



LAWS  
OF THE  
STATE OF DELAWARE

PASSED  
AT A SESSION OF THE GENERAL ASSEMBLY

COMMENCED AND HELD AT DOVER

On Tuesday, January 3rd, A. D. 1911

AND

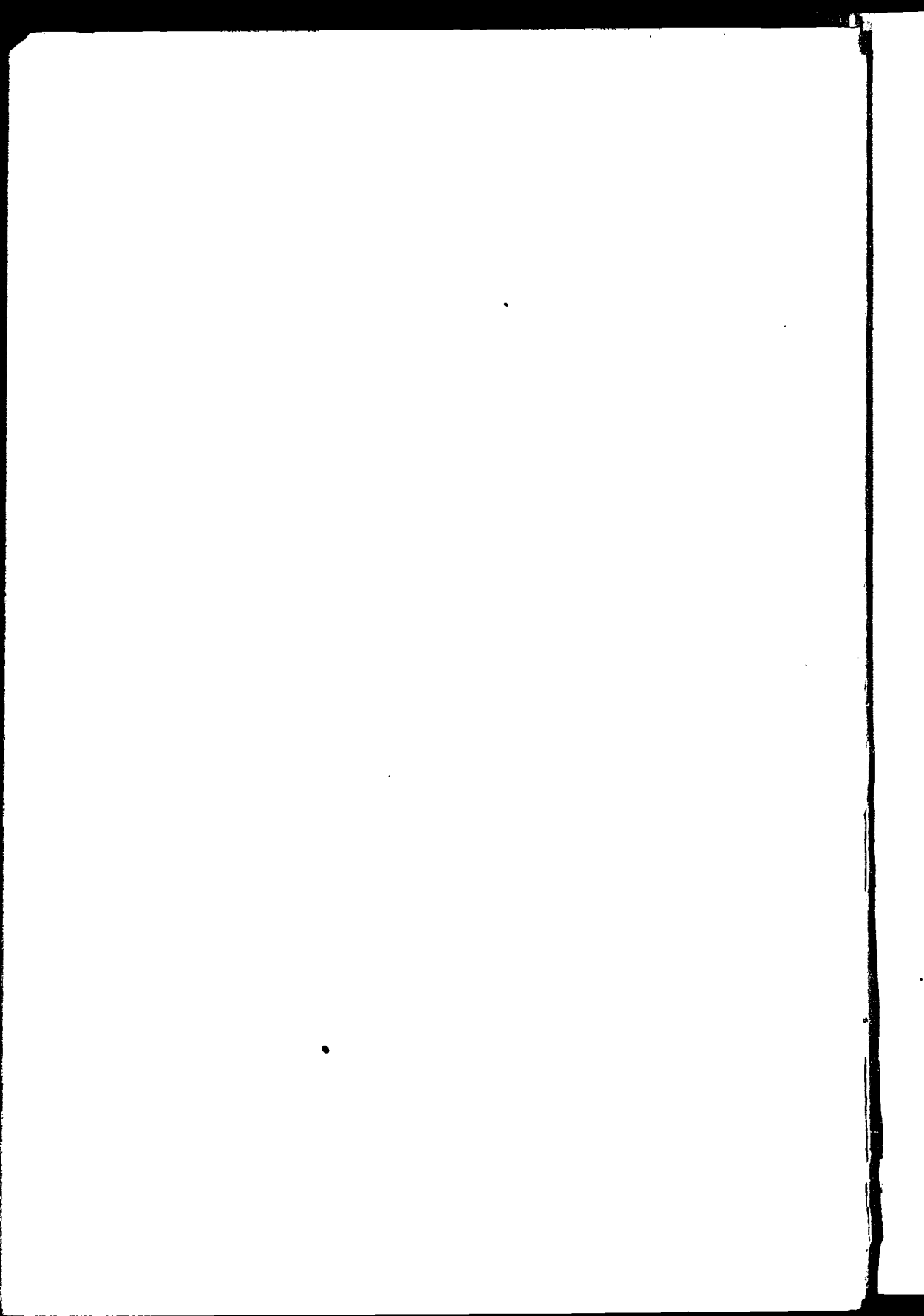
IN THE YEAR OF THE INDEPENDENCE OF THE UNITED  
STATES THE ONE HUNDRED AND THIRTY-FIFTH

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VOLUME XXVI

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1911



# LAWS OF DELAWARE

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## TITLE FIRST

Of the Jurisdiction and Property of the State;  
Its Legislation and Laws

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### CHAPTER 1.

#### AMENDMENT TO CONSTITUTION.

AN ACT proposing an Amendment to Section 10 of Article II of the Constitution of the State of Delaware, in relation to, the Journals of the Legislature.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two-thirds of all the members elected to each House agreeing thereto) :*

Section 1. That Section 10 of Article II of the Constitution of the State of Delaware be amended by striking out all of said Section 10 of Article II, and inserting in lieu thereof the following :

Sec. 10 of  
Article 2 to  
be amended.

"Section 10. Each House shall keep a journal of its proceedings, and publish the same immediately after every session, except such parts as may require secrecy. The

Each House  
to keep a  
journal and  
publish  
same.



## AMENDMENT TO CONSTITUTION.

Names of  
members  
voting to be  
entered on  
journal.

No bill, or  
joint resolu-  
tion to pass  
unless final  
vote be  
taken by  
yeas and  
nays, nor  
without con-  
currence of  
a majority  
of all the  
members  
elected.

names of the members voting for and against any bill or joint resolution, except in relation to adjournment, shall on the final vote be entered on the journal; and the yeas and nays of the members on any question shall, at the desire of any member, be entered on the journal. No bill or joint resolution, except in relation to adjournment, shall pass either House unless the final vote shall have been taken by yeas and nays, nor without the concurrence of a majority of all the members elected to each House."

Approved April 13, A. D. 1911.

AMENDMENT TO CONSTITUTION.

CHAPTER 2.

AMENDMENT TO CONSTITUTION.

AN ACT to amend Section 19, Article 2, of the Constitution of the State of Delaware.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two-thirds of all the members of each House concurring therein) :*

Section 1. That Section 19, Article 2, of the Constitution of the State of Delaware, be amended by adding to the end thereof the following words "provided, however, that the General Assembly may by a vote of two-thirds of all the members elected to each House pass laws relating to the laying out, opening, alteration or maintenance of any road or highway which forms a continuous road or highway extending through at least a portion of the three counties of the State."

Sec. 19. Article 2, of the Constitution amended.

Approved March 28, A. D. 1911.

## AMENDMENT TO CONSTITUTION.

## CHAPTER 3.

## AMENDMENT TO CONSTITUTION.

AN ACT proposing certain amendments to Article IV of the Constitution of this State, relating to the number of Judges constituting a quorum in the Superior Court, the Court of General Sessions and the Court of Oyer and Terminer, the sessions of said courts, and the distribution of the business therein, respectively.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two-thirds of all the members elected to each House agreeing thereto) :*

Sec. 5. Article 4. of the Constitution amended.

Section 1. That Section 5 of Article IV of the Constitution of this State be, and the same is, hereby amended by striking out all of said Section after the first paragraph thereof and substituting therefor the following new paragraph, to-wit:

Judges to designate who shall hold court.  
No more than three to sit.  
Who shall preside.

"The said five judges shall designate those of their number who shall hold the said Courts in the several Counties. No more than three of them shall sit together in any of the said Courts. In each of the said Courts the Chief Justice when present shall preside, and in his absence the senior Associate Judge present shall preside.

Quorum.

One shall constitute a quorum in the said Courts, respectively, except in the Court of Oyer and Terminer, where three shall constitute a quorum, and except in the Superior Court sitting to hear appeals from the Orphans' Court or a Register's Court, when two shall constitute a quorum, and except in the Court of General Sessions sitting to try cases of prosecution under Section 8 of Article V of this Constitution or sitting to hear contested applications for license to sell intoxicating liquors, when two shall constitute a quorum.

AMENDMENT TO CONSTITUTION.

One judge may open and adjourn any of said Courts." One may open and adjourn court.

Section 2. That Article IV of the Constitution of this State be, and the same is, hereby amended by striking out all of Section 6 thereof and substituting therefor the following new Section 6, to wit:

"Section 6. Subject to the provisions of Section 5 of this Article, two or more sessions of the Superior Court, or Court of General Sessions, or one or more sessions of each of the said Court, or one Session of the Court of Oyer and Terminer and one or two of either, or one of each of the other of the said courts may at the same time be held in the same county or in different counties, and the business in the several counties may be distributed and apportioned in such manner as shall be provided by the rules of the said courts respectively." Article 4, further amended.

Approved March 20, A. D. 1911.

## OF THE STATE LIBRARY.

## CHAPTER 4.

## OF THE STATE LIBRARY.

AN ACT to amend Chapter 6, Volume 17, Laws of Delaware, entitled, "An Act to establish a State Library," by fixing the time during which the Library shall be kept open.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Sec. 6, Chap.  
6, Vol. 17,  
amended.

Section 1. That Section 6, Chapter 6, Volume 17, Laws of Delaware, entitled, "An Act to establish a State Library," be and the same is hereby amended by striking out the figures "10" where they occur in the ninth line of said Section and inserting in lieu thereof the figure "9," and by striking out the figure "2" where it occurs in the tenth line of said Section and inserting in lieu thereof the words "half past one," and by striking out the figure "4" where it occurs in the tenth line of said Section and inserting in lieu thereof the words "half past four."

Words "half  
past one"  
and "half  
past four"  
inserted.

Approved March 16, A. D. 1911.

OF THE STATE LIBRARY.

CHAPTER 5.

OF THE STATE LIBRARY.

AN ACT authorizing the State Librarian to make a Catalogue of the State Library.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :*

Section 1. That the State Librarian, be and he is hereby directed and authorized to make a full, complete and comprehensive catalogue of the books, pamphlets and documents in the Library. That the said catalogue shall be published and printed in pamphlet form for distribution. There shall be at least six hundred copies printed, two hundred and fifty of which shall be substantially bound; said printing shall be done under the provisions of law in relation to State Printing, Stationery and Supplies, and shall be under the supervision of the Librarian.

Librarian directed to make catalogue.

Shall be printed for distribution.

Number of copies to be printed.

Under supervision of Librarian.

Section 2. That after said catalogue shall have been published as provided in Section 1, it shall be the duty of the Supreme Court of the State of Delaware, to examine and approve the same and to fix the proper compensation to be paid the Librarian for his services in making said catalogue, and to draw a warrant for the amount of such compensation on the State Treasurer and the State Treasurer is directed to pay said warrant out of the general funds of the State.

Supreme Court to examine, approve and fix compensation.

State Treasurer directed to pay.

Approved March 28, A. D. 1911.

## OF THE STATE LIBRARY.

## CHAPTER 6.

## OF THE STATE LIBRARY.

AN ACT authorizing the State Librarian to receive and preserve all books and pamphlets deposited with him by the Medical Societies of Delaware.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :*

State Librarian authorized to provide suitable case, and set aside part of Library for books and pamphlets of Medical Societies.

Section 1. That the State Librarian is hereby authorized and directed to receive all books, pamphlets and papers deposited with him by the Medical Societies of Delaware, and for the purpose of preserving same, he shall set aside some part of the State Library in which a suitable case shall be placed for filing said books, pamphlets and papers. Such books, pamphlets and papers shall be at all times open for the inspection of the public.

Approved March 28, A. D. 1911.

## OF THE STATE HOUSE, LIBRARY AND PUBLIC OFFICES.

## CHAPTER 7.

## OF THE STATE HOUSE, LIBRARY AND PUBLIC OFFICES.

AN ACT authorizing the Appointment of Janitors for the State House.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Section 1. The Governor shall, on the first day of July, in the year A. D. nineteen hundred and eleven, and every two years thereafter, appoint two persons, one of whom shall be known as Janitor for the State House, and the other as Assistant Janitor for the State House, both of whom shall hold office for the term of two years, unless sooner removed by the Governor, or until their successors are duly appointed and qualified. Before entering upon their duties the Janitor and Assistant Janitor shall be sworn or affirmed to perform the duties of their office with fidelity, and each shall give bond in the sum of five hundred dollars, with two sureties, to be approved by the Governor, conditioned for the faithful performance of the duties incident to their respective offices. The oaths or affirmations, and bonds, shall be filed in the Office of the Secretary of State. The Janitor now serving shall continue in office until the said first day of July, A. D. 1911, and the Governor shall, upon the approval of this Act, appoint the Assistant Janitor to hold office until said first day of July, A. D. 1911, on which date an Assistant Janitor shall be appointed for the full term of two years.

Governor to appoint a Janitor and Assistant Janitor for State House.

Shall be sworn or affirmed.

Shall give bond in sum of \$500.

Bond filed with Secretary of State.

Assistant Janitor to be appointed to hold office until first day of July, 1911, on which date shall be appointed for two years.

Duties of Janitor and Assistant Janitor.

Section 2. It shall be the duty of the Janitor and Assistant Janitor, under the order and direction of the State Librarian, to take care of the furniture and property belonging to the State, to keep clean and in good order all the rooms, offices, apartments, Library, halls, stairways, cellars, in said State House, and the grounds attached thereto, and the pavements in front of said buildings, or otherwise at-



## OF THE STATE HOUSE, LIBRARY AND PUBLIC OFFICES.

tached thereto, and to attend to the heaters, stoves, and all fires, and to perform all labor necessary for heating said building, or any part thereof, during the sessions of the General Assembly and at all times, and properly care for the furniture and property in all parts of the State buildings during the sessions of the General Assembly, and to preserve as much as possible, the property belonging to the State, from injury by moth, insect, or any other injury during the vacation of the General Assembly. And further to do any and all things directed to be done by the State Librarian, which may be incident to the office of the Janitor and Assistant Janitor of the State House.

Janitor shall  
receive \$500.

Assistant  
Janitor shall  
receive \$400.

Section 3. That the Janitor shall receive for his services as such officer the sum of five hundred dollars per year and the Assistant Janitor the sum of four hundred dollars per year, and they are hereby authorized and empowered to draw upon the State Treasurer at the end of each quarter for the quarter due.

State Librarian shall  
make report  
to State  
Treasurer  
quarterly  
concerning  
work of  
Janitors.

If report be  
unfavorable  
State Treasurer shall  
withhold  
salaries.

Salaries  
shall not be  
paid until  
report shall  
show faithful  
performance  
of duties.

Governor  
shall have  
power to re-  
move.

Section 4. That it shall be the duty of the State Librarian to make a report in writing to the State Treasurer at the end of each quarter stating the condition of the State buildings, property and grounds and of the manner in which the Janitor and Assistant Janitor are performing the duties incumbent upon them under this Act. If the report shall show that the Janitor or Assistant Janitor are not performing the duties of their respective offices faithfully, the State Treasurer shall not pay the salaries as hereinbefore provided, but shall notify the Janitor or Assistant Janitor, or both, as the case may be, giving his reason for not paying same, and such salary or salaries shall not be paid until the report of the State Librarian shall show a faithful performance of the duties of the Janitor or Assistant Janitor under this Act.

Section 5. The Governor shall have power to remove the Janitor or Assistant Janitor at any time, for cause satis-

OF THE STATE HOUSE, LIBRARY AND PUBLIC OFFICES.

factory to himself, and appoint other persons in their places for the unexpired term.

Section 6. All Acts and parts of Acts inconsistent herewith are hereby repealed.

Approved April 13, A. D. 1911.

## OF THE STATE HOUSE.

## CHAPTER 8.

## OF THE STATE HOUSE.

AN ACT to provide for the Commemoration of certain events in the early History of Delaware, by the erection of Marble Tablets in the Rotunda of the new wing of the State House.

Preamble.

WHEREAS, The State of Delaware is distinguished amongst the States of the Union :

(1) For the part which her delegates took in securing the adoption of the Declaration of Independence, particularly for the ride of Caesar Rodney, one of the delegates, from Delaware to Philadelphia by which the Declaration was saved ;

(2) For that this State was the first of the States to adopt the Constitution of the United States, by reason of which Delaware is given, as her birthright, the place of honor and precedence in all national celebrations ;

(3) For that the stars and stripes were first unfurled in battle upon Delaware soil, and the first naval engagement of the United States was fought in Delaware waters ;

(4) For that this State in addition to furnishing troops for the war of 1812, gave to the General Government, in that year, the sum of thirty-eight thousand dollars (\$38,000) to assist in repulsing the British (the recent return of the interest upon which sum has provided the funds for the erection of the new wing of the State House).

Preamble.

AND WHEREAS, It is desirable and proper that these historical incidents should be kept fresh in the memory of

## OF THE STATE HOUSE.

the rising generations of our State so as to inspire patriotism and a commendable State pride, therefore

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Section 1. That the Governor of the State be and he is hereby authorized to designate and appoint a Commission consisting of five citizens of the State, of whom the Governor shall be one, to arrange for and supervise the preparation of four marble tablets, which shall be suitably inscribed to commemorate the several incidents in the early history of the State of Delaware, enumerated in the preamble hereto, and to supervise the placing of said tablets upon the walls of the rotunda of the new wing of the State House.

Governor to appoint a Commission.

Duties of the Commission.

Section 2. That the sum of five hundred dollars, or as much thereof as may be necessary to carry out the provisions of this bill, is hereby appropriated for the purpose of defraying the cost of said tablets and the expense of the preparation and erection thereof.

\$500 appropriated.

Approved April 13, A. D. 1911.

## OF THE PASSING AND PUBLICATION OF LAWS AND JOURNALS.

## CHAPTER 9.

## OF THE PASSING AND PUBLICATION OF LAWS AND JOURNALS.

AN ACT to revive and extend the time for recording private Acts.

Preamble.

WHEREAS, By Section 3 of Chapter 4 of the Revised Statutes of the State of Delaware, it is provided that private Statutes (namely such as are not of a public nature or published as such) shall be recorded in the Recorder's Office in one of the counties of this State within twelve months after their passage or they shall be void; and

Preamble.

WHEREAS, A number of private and unpublished Acts heretofore passed have been allowed to become void through ignorance of the aforesaid enactment; therefore, for the purpose of relieving the parties interested of the embarrassments and disappointments arising from such neglect in the premises; therefore

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two-thirds of each Branch concurring therein):*

Unpublished  
acts renewed  
and re-en-  
acted.

Section 1. That all unpublished acts heretofore passed that have become void on account of not being duly recorded in compliance with the provisions aforesaid and that have not by special acts been repealed or become void by lapse of the time for which they were limited, be and the same are hereby severally renewed and re-enacted, and together with the provisions therein contained are respectively declared to be in full force for the period mentioned in the original acts, and to have the same force and effects as if the said acts had been severally recorded according to law, and all acts and transactions done and performed under the provisions of said acts and property and other rights accrued thereunder, shall have the same force and effect and be as valid to all in-

Shall have  
full force  
and effect.

OF THE PASSING AND PUBLICATION OF LAWS AND JOURNALS.

tents and purposes as if the said acts had been severally recorded according to law; provided, that this enactment shall not take effect in the case of any act that has become void as aforesaid, until a certified copy thereof shall be duly recorded in the Recorder's Office of one of the Counties of this State; and, provided further, that no such copy of a voided act shall be received for record after the expiration of one year from the passage of this act.

Certified  
copy to be  
recorded.

Must be re-  
corded with-  
in one year.

Section 2. That this act shall be deemed and taken to be a public act and shall be published as such.

Approved March 2, A. D. 1911.

## OF JUDICIAL REPORTS.

## CHAPTER 10.

## OF JUDICIAL REPORTS.

AN ACT to amend Chapter 5, Volume 25, Laws of Delaware, entitled "An Act in relation to the publication of certain equity cases and Judicial reports when not published by the Chancellor or Associate Judge resident in Kent County respectively" extending the time for publishing Judicial reports.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :*

Chap. 5, Vol.  
25, amended.

Section 1. That Chapter 5, Volume 25, Laws of Delaware, entitled "An Act in relation to the publication of certain equity cases and judicial reports when not published by the Chancellor or Associate Judge resident in Kent County respectively," be and the same is hereby amended by striking out the word "two" in the fifth line of Section 1 of said Act, and inserting in lieu thereof the word "four."

Approved March 7, A. D. 1911.

## TITLE SECOND

### Of the Public Revenue; and the Assessment, Collection and Appropriation of Taxes.

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#### CHAPTER 11.

##### OF THE REVENUES OF THE STATE.

AN ACT to amend an Act entitled "An Act to Raise Revenue for the State by taxing corporations," being Chapter 15, Volume 22, Laws of Delaware.

*Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met:*

Section 1. That Section 12 of Chapter 15, Volume 22, Laws of Delaware, be and the same is hereby amended by adding to the end of said Section 12 the following:

"Upon the said filing of said proclamation the Secretary of State shall transmit forthwith to the Recorder of each County of this State, a certified copy of said Proclamation, and each Recorder shall upon receipt of said certified copy forthwith mark in brief upon the margin of the record of the Certificate of Incorporation of every Corporation named in said proclamation which is of Record in his office the fact that the Charter of said Corporation is repealed and the date of said repeal."

Sec. 12.  
Chap. 15.  
Vol. 22.  
amended.

Secretary of State shall transmit to Recorder a certified copy of proclamation.

Fact and date of repeal to be noted on margin of record.

Approved March 31, A. D. 1911.



## OF THE REVENUES OF THE STATE.

## CHAPTER 12.

## OF THE REVENUES OF THE STATE.

AN ACT to amend Chapter 43, of Volume 24, Laws of Delaware, entitled "An Act to amend Chapter 18, of Volume 22, Laws of Delaware, entitled 'An Act to re-adjust the amount to be paid by the Delaware Railroad Company in commutation of its State Taxes.'"

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Chap. 43.  
Vol. 24.  
amended.

Words  
stricken out.

Words in-  
serted.

Section 1. That Chapter 43, of Volume 24, Laws of Delaware, be and the same is hereby amended by striking out of Section 1 thereof after the word "of" at the end of the ninth line thereof, and before the word "which" in the fourteenth line thereof, the following: "Twenty Thousand Dollars to be paid in equal quarterly installments of Five Thousand Dollars each on the first days of April, July, October and January in each year, the first payment of Five Thousand Dollars to be made on the first day of April, A. D. 1907," and inserting in lieu thereof the following: "Twenty-five Thousand Dollars to be paid in equal quarterly installments of Sixty-two Hundred and Fifty Dollars each on the first days of April, July, October and January in each year, the first payment of Sixty-two Hundred and Fifty Dollars to be made on the first day of April, A. D. 1911."

Approved March 30, A. D. 1911.

OF THE REVENUES OF THE STATE.

CHAPTER 13.

OF THE REVENUES OF THE STATE.

AN ACT to amend the Laws of this State in relation to the taxation of manufacturers, being Chapter 24 of Volume 14 of the Laws of Delaware, as supplemented by Chapter 364 of Volume 14 and as amended by Chapters 10 and 11 of Volume 15, and as further amended by Chapter 17 of Volume 22 of the said Laws of Delaware.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Section 1. That the Act entitled "An Act Taxing Manufacturers and for other purposes" being Chapter 24, of Volume 14 of the Laws of Delaware, as supplemented by Chapter 364, Volume 14, Laws of Delaware, and as amended by Chapters 10 and 11, Volume 15, Laws of Delaware, and as further amended by Chapter 17, of Volume 22 of the Laws of Delaware, be and the same is hereby amended by striking out so much thereof as was supplied by the amendatory provisions of Chapter 17 of Volume 22 of the Laws of Delaware and also by striking out all of said Section 1 of the said Chapter 24 of Volume 14 of the Laws of Delaware as supplemented by Chapter 364, Volume 14 of the Laws of Delaware, and as amended by Chapters 10 and 11, Volume 15, Laws of Delaware, as the same was codified in the Revised Code of the State of Delaware as amended in 1893 down to the words "makers of agricultural implements" in the sixty-first line of said Section 1 as the same is printed in the Revised Code aforesaid, and by inserting in lieu thereof the words hereinafter quoted so that said Section 1 from the beginning thereof down to the words "makers of agricultural implements" in the sixty-first line aforesaid as printed in the Revised Code aforesaid, shall be and read as follows:

*Act taxing  
manufact-  
urers, etc.,  
further  
amended.*

## OF THE REVENUES OF THE STATE.

## CHAPTER 12.

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AN ACT to amend Chapter 43, of Volume 24, Laws of Delaware, entitled "An Act to amend Chapter 18, of Volume 22, Laws of Delaware, entitled 'An Act to re-adjust the amount to be paid by the Delaware Railroad Company in commutation of its State Taxes.'"

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Chap. 43.  
Vol. 24,  
amended.

Words  
stricken out.

Words in-  
serted.

Section 1. That Chapter 43, of Volume 24, Laws of Delaware, be and the same is hereby amended by striking out of Section 1 thereof after the word "of" at the end of the ninth line thereof, and before the word "which" in the fourteenth line thereof, the following: "Twenty Thousand Dollars to be paid in equal quarterly installments of Five Thousand Dollars each on the first days of April, July, October and January in each year, the first payment of Five Thousand Dollars to be made on the first day of April, A. D. 1907," and inserting in lieu thereof the following: "Twenty-five Thousand Dollars to be paid in equal quarterly installments of Sixty-two Hundred and Fifty Dollars each on the first days of April, July, October and January in each year, the first payment of Sixty-two Hundred and Fifty Dollars to be made on the first day of April, A. D. 1911."

Approved March 30, A. D. 1911.

## OF THE REVENUES OF THE STATE.

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*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Section 1. That the Act entitled "An Act Taxing Manufacturers and for other purposes" being Chapter 24, of Volume 14 of the Laws of Delaware, as supplemented by Chapter 364, Volume 14, Laws of Delaware, and as amended by Chapters 10 and 11, Volume 15, Laws of Delaware, and as further amended by Chapter 17, of Volume 22 of the Laws of Delaware, be and the same is hereby amended by striking out so much thereof as was supplied by the amendatory provisions of Chapter 17 of Volume 22 of the Laws of Delaware and also by striking out all of said Section 1 of the said Chapter 24 of Volume 14 of the Laws of Delaware as supplemented by Chapter 364, Volume 14 of the Laws of Delaware, and as amended by Chapters 10 and 11, Volume 15, Laws of Delaware, as the same was codified in the Revised Code of the State of Delaware as amended in 1893 down to the words "makers of agricultural implements" in the sixty-first line of said Section 1 as the same is printed in the Revised Code aforesaid, and by inserting in lieu thereof the words hereinafter quoted so that said Section 1 from the beginning thereof down to the words "makers of agricultural implements" in the sixty-first line aforesaid as printed in the Revised Code aforesaid, shall be and read as follows:

Act taxing manufacturers, etc., further amended.

## OF THE REVENUES OF THE STATE.

Shall annually take out a license on the first of June.

Shall pay the sum of \$5.

Shall file a statement in writing.

That value of land and buildings did not exceed a certain sum.

That value of machinery and fixtures did not exceed a certain sum.

That value of all personal property did not exceed certain sum.

"Section 1. That every individual, association of persons, firm or corporation engaged as owner or owners in the production or manufacture, by hand or machinery, of goods, wares or merchandise, or of any article or material, or any combination or composition of any articles or materials of every nature and substance whatsoever (except as hereinafter stated) and desiring to continue in said production or manufacture, shall annually hereafter, on the First day of June, take out a license to engage in said production or manufacture, for which such individual, association of persons, firm or corporation shall pay, for the use of the State, the sum of five dollars to the Clerk of the Peace of the County in which such individual, association of persons, firm or corporation is engaged and desires to continue engaged in such production or manufacture; and every such individual, association of persons, firm or corporation, shall on or before the said First day of June annually, hereafter, before taking out said license, file with the said Clerk of the Peace, a statement in writing setting forth in three distinct items the following:

1. The aggregate statutory value of all the land and buildings in this State used in, or in connection with, the business of the said production or manufacture in this State by said individual, association of persons, firm or corporation, whether as owner, tenant or occupant, during the year then last past, did not exceed a certain sum therein given;

2. That the aggregate value of all the machinery and fixtures in this State used in, or in connection with the business of the said production or manufacture in this State by said individual, association of persons, firm or corporation, whether as owner or lessee during the year then last past, did not exceed a certain sum therein given, and

3. That the aggregate value of all personal property except money on hand or deposited in bank, but including the raw material, used in, or in connection with the business of said production or manufacture in this State by the said

## OF THE REVENUES OF THE STATE.

individual, association of persons, firm or corporation, during the year then last past, and not embraced in the second item of the said statement, did not exceed a certain sum therein given.

The statutory value of the land and buildings to be included in the first item of the statement aforesaid, shall for said purpose be deemed and taken to be the assessed value of the real property in this State used in or in connection with the business of the said production or manufacture in this State, by the said individual, association of persons, firm or corporation, as shown by the County assessment then in force; provided that when any such individual, association of persons, firm, or corporation, shall be a renter of a portion only of a parcel of real estate which is assessed for County purposes as one undivided parcel, or shall be a renter of a part only of a building, and such portion of real estate or such part of a building, shall be used in, or in connection with the business of the said production or manufacture aforesaid, then the annual rent of the said portion of real estate and of the said part of the building, shall for the purpose of the statement aforesaid, be deemed to be ten per centum of the statutory value thereof. The value of the machinery and fixtures to be included in the second item of the statement aforesaid, and the value of the personal property to be included in the third item of said statement, shall be the actual value thereof at the time of making such statement.

Statutory value to be taken to be the assessed value.

Proviso.

Shall be deemed to be ten per cent. of statutory value.

Shall be the actual value.

The said statement shall be verified by the oath or affirmation of such individual, or one member of such firm or association of persons or of the President or other presiding officer of such corporation, and the said oath or affirmation may be taken before any person who, by the laws of this State is duly authorized to administer the same. Every such individual, association of persons, firm or corporation, so as aforesaid, engaged and desiring to continue engaged in said production or manufacture, shall, on or before the said First day of June annually, before taking out the said license, pay

Verified by oath or affirmation.

Oath may be taken before any one authorized to administer same.

## OF THE REVENUES OF THE STATE.

Additional  
sum of \$5.

to the said Clerk of the Peace for the use of the State in addition to the above named sum of Five Dollars, the further sum of one-twentieth of one per cent on the sum total of the aggregate values of the land and buildings, machinery and fixtures and of all personal property to be included in all of the three items aforesaid as hereinbefore set forth.

License for  
one year  
only from  
the first day  
of June.

The license aforesaid shall authorize the production or manufacture of goods, wares, merchandise, or of any article or material, or any combination of any article or material, only at one place, and for only one year from the First day of June.

License for  
six months  
in certain  
cases.

In case any individual, association of persons, firm or corporation desires to be engaged as owner or owners, in such production or manufacture, he, she, or they not having been engaged in said production or manufacture during the year immediately next preceding, shall, before commencing such production or manufacture, take out a license for the six months then next ensuing, first paying to the said Clerk of the Peace the sum of five dollars, and at the expiration of the said six months, he, she, or they shall obtain another license which shall be valid until the First day of June following, upon his, her or their filing with the said Clerk of the Peace a statement in writing verified by oath or affirmation as aforesaid of such individual, or one member of such association or firm, or of the president or other presiding officer of such corporation, containing the three items above set forth but limited to the period of the six months then last past; such individual, association of persons, firm or corporation paying to the said Clerk of the Peace, for the use of the State, the same taxes as aforesaid rated in proportion to the time during which said last mentioned license shall be valid. The license aforesaid shall authorize the production or manufacture of goods, wares, merchandise or of any article or material, or any combination of any article or material only at one place, and for only one year from the First day of June. No individual, association of persons, firm or

Valid until  
first day of  
June follow-  
ing.

License to  
apply to only  
one place,  
and good for  
one year  
from the  
first day of  
June.

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corporation, having paid the said tax imposed upon them under this Act shall be liable to the payment of the tax or taxes imposed upon individuals, associations of persons, firms or corporations engaged in, or desiring to engage in, the business and occupation of purchasing and selling goods, wares, merchandise, produce and property.

This Section shall not apply to the production of the usual farm products for home consumption or market purposes, nor to the distilling, brewing, manufacture, or production of alcoholic liquors of any kind whatsoever, nor to the production or manufacture of steam, gas, or electricity for heat, light or power.

Not to apply to certain businesses or occupations.

This Section shall be held to include persons, associations of persons, firms or corporations, engaged as owners or principals in the following occupations and kinds of business ;"

Certain persons and occupations not included.

Section 2. That the aforesaid Section 1 be further amended by striking out the words "Distillers, brewers and" in line ninety-six of the said Section 1 as printed in the Revised Code of the State of Delaware as amended in 1893.

Further amendment.

Approved April 19, A. D. 1911.



## OF THE REVENUES OF THE STATE.

## CHAPTER 14.

## OF THE REVENUES OF THE STATE.

AN ACT requiring roving bands of nomads, commonly called Gypsies, to take out a license, for which they shall pay to the Clerk of the Peace, for the use of the State, the sum of Three hundred dollars, and prescribing penalty for violation of the provisions of this Act.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Nomads, or  
Gypsies re-  
quired to  
take out a  
license.

Cost of the  
license.

In whose  
name to be  
issued.

Not trans-  
ferable.

May become  
void.

Duty of the  
Clerk of the  
Peace.

Section 1. That it shall be unlawful for any roving band of Nomads, commonly called Gypsies, to pitch or settle their encampment, or carry on their transactions, or practice their craft, within this State without first obtaining from one of the Clerks of the Peace of this State an annual license, for which they shall pay to the Clerk of the Peace, for the use of the State, the sum of Three Hundred Dollars, and shall pay to the Clerk of the Peace the further sum of fifty cents for issuing such license. The said license shall be issued in the name of the captain or leader of the said band, and shall be a license for the said captain only so long as he remains the leader of the said band, and shall not be transferable by him to any other captain or leader, \*not shall it be a license to the said captain or leader should he become captain or leader of any other band.

Section 2. That upon information filed with the Clerk of the Peace of any County that any roving band of Nomads, commonly called Gypsies, are located within his County, it shall be the duty of such Clerk of the Peace forthwith to ascertain whether such band of Gypsies have obtained a license from any other Clerk of the Peace of the State, and if it shall appear that no license has been taken out, the said Clerk of the Peace shall make the following order:

\*So enrolled.

OF THE REVENUES OF THE STATE.

"To \_\_\_\_\_, Sheriff:

"Whereas, a Band of roving Nomads, commonly called Gypsies, are encamped within the limits of this County, without having taken out license as provided in an act entitled "An Act requiring roving bands of Nomads, commonly called Gypsies, to take out license, for which they shall pay to the Clerk of the Peace, for the use of the State, the sum of Three Hundred Dollars, and prescribing penalty for violation of the provisions of this Act." Form of the order.

Therefore, you, \_\_\_\_\_, Sheriff of \_\_\_\_\_ County, are hereby authorized, empowered and directed to seize any property of such band of Gypsies of such property or so much as shall be necessary to pay the license fee of Three Hundred Dollars required to be paid by them, together with the costs of sale and the costs of this proceeding, and after due notice given as required by law in the case of sale of personal property, to sell such property, or so much thereof as may be necessary to pay said license, together with the costs as aforesaid, and to apply the proceeds of said sale as provided by law, and for so doing this shall be your sufficient warrant and authority.

"Witness my hand and the seal of my office this \_\_\_\_\_ day of \_\_\_\_\_, A. D. —.

\_\_\_\_\_, Clerk of the Peace."

The costs of this proceeding shall be the same as the costs for the levy and sale of personal property under execution process, and the said Sheriff shall pay Three Hundred Dollars of the proceeds of said sale to the Clerk of the Peace issuing the order for sale who shall thereupon issue the license hereinbefore provided for, and the residue of said proceeds shall be applied to the costs. Costs of proceeding. Sheriff shall pay to Clerk of the Peace.

Section 3. All Acts or parts of Acts inconsistent herewith are hereby repealed.

Approved March 28, A. D. 1911.

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## CHAPTER 15.

## OF THE REVENUES OF THE STATE.

AN ACT regulating the sale of deadly Weapons and providing a Special License therefor.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :*

Dealers in  
deadly weap-  
ons must ob-  
tain a spe-  
cial license  
to sell.

Section 1. That from and after the first day of June, in the year of our Lord, one thousand nine hundred and eleven, it shall be unlawful for any person or persons, firm, company or corporation, to sell, or expose to sale, any pistol or revolver, or revolver or pistol cartridges, stiletto, steel or brass knuckles, or other deadly weapons made especially for the defense of one's person, without first having obtained a license therefor, which license shall be known as "Special License to Sell Deadly Weapons;" provided, however, that this provision shall not relate to toy pistols, pocket knives, or knives used in the domestic household, or surgical instruments or tools of any kind.

Not to relate  
to certain  
implements.

Shall pay \$25  
for said  
license.

Section 2. Any person or persons, firm, company or corporation, desiring to engage in the business of selling revolvers, pistols, or revolver or pistol cartridges, stilettos, steel or brass knuckles, or other weapons made for the defense of one's person, shall, after the above mentioned date, apply to the Clerk of the Peace of the County in which it is desired to conduct such business and shall obtain a license therefor, for which he, they, or it shall pay the sum of twenty-five dollars, which said license shall entitle the holder thereof to conduct said business for the term of one year from its date.

License to  
continue for  
one year.

Shall not sell  
to a minor,  
or intoxicated  
person.

Section 3. It shall be unlawful for any person or persons, or a member of any firm, or the agents or officers of any corporation to sell to a minor, or any intoxicated person,

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any revolver, pistol, or revolver or pistol cartridges, stiletto, steel or brass knuckles, or other deadly weapons, made especially for the defense of one's person.

Section 4. It shall be the duty of any person or persons, firm, company or corporation, desiring to engage in the business aforesaid, to keep and maintain in his place of business at all times, a book which shall be furnished him by the Clerk of the Peace of the County wherein he does business in which said book he shall enter the date of the sale, the name and address of the person purchasing any such deadly weapon, the number and kind of deadly weapon so purchased, the color of the person so purchasing the same, and the apparent age of the purchaser; and no sale shall be made until the purchaser has been positively identified. This book shall at all times be open for inspection by any Judge, Justice of the Peace, Police Officer, Constable, or other Peace Officer of this State.

Shall keep a book to be furnished by the Clerk of the Peace.

Shall enter date of sale, name and address of person purchasing, kind of weapon, etc.

Book shall be open for inspection.

Section 5. Any person, firm, company or corporation, or any member of any firm, or the agents or officers of any corporation, violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction shall be fined not exceeding the sum of one hundred dollars, or a term of imprisonment not exceeding six months or both, within the discretion of the Court.

Penalty for violating the provisions of the Act.

Section 6. All of the provisions of Chapter 117, Volume 13, Laws of Delaware, relative to the issuance of licenses and the duties and powers of the several officials therein mentioned and all penalties therein imposed, shall extend to and be applied to licenses issued under authority of this Act.

Provisions of Chap. 117, Vol. 13, to apply.

Approved March 16, A. D. 1911.

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## CHAPTER 16.

## OF THE REVENUES OF THE STATE.

AN ACT to raise Revenue and to Provide for the Licensing of Certain Amusements within the State.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :*

Shall first obtain a license to engage in or carry on certain pursuits, or amusements.

Section 1. That no person or persons, firm, company or corporation, without having first obtained a proper license therefor as hereinafter provided for shall within the limits of this State, be engaged in, prosecute, follow or carry on any trade, business, pursuit or occupation in this section, hereinafter mentioned, that is to say, conducting or exhibiting any circus, theatre, opera, show, moving picture theatre, amusement park, merry-go-round, toboggan slide, switch back, shoot-the-shoots, ferris wheel, scenic railway or other place of amusement.

A circus within the meaning of the act.

Section 2. That every space, tent or arena where feats of horsemanship or acrobatic sports are exhibited shall be regarded as a circus within the meaning of this act.

A theatre within the meaning of the act.

Section 3. That every edifice used for the purpose of dramatic or operatic or other representation, or where plays or performances, including vaudeville performances, are exhibited shall be regarded as a theatre within the meaning of this act.

Moving picture theatre.

Section 4. Every edifice used for the purpose of exhibiting moving or motion pictures or illustrated songs shall be regarded as a moving picture theatre within the meaning of this act.

Amusement park.

Section 5. Every space, arena or park wherein are exhibited any two or more places of amusement, including

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moving pictures and theatrical performances, shall be regarded as an amusement park within the meaning of this act.

Section 6. That any person or persons, firm, company or corporation desiring to be engaged in, prosecute, follow or carry on any trade, business, pursuit or occupation named in the foregoing sections of this act, may apply to the Clerk of the Peace of any County of this State for a proper license, authorizing or empowering him, her or them to engage in, prosecute, follow or carry on such trade, business, pursuit or occupation which he, she or they may desire to engage in, prosecute, follow or carry on, and upon his, her or they paying for the use of the State to the said Clerk of the Peace the fee hereinafter mentioned for such license, and also the fee to the Clerk of the Peace for issuing the same, it shall be the duty of such Clerk of the Peace to issue to him, her or them a proper license therefor.

May apply to the Clerk of the Peace of any County for proper license.

Section 7. For each license to conduct or exhibit a circus, within two miles of the corporate limits of any city in this State having a population of over fifty thousand people, a fee of Three Hundred Dollars (\$300) shall be paid to the Clerk of the Peace for the use of the State.

To exhibit a circus within two miles of any city of over 50,000 people, a fee of \$300 shall be paid.

Section 8. For each license to conduct or exhibit a circus not within two miles of the corporate limits of any city in this State, having a population of over fifty thousand people, a fee of One Hundred Dollars (\$100) shall be paid to the Clerk of the Peace for the use of the State.

To exhibit a circus not within two miles of any city of over 50,000 people, a fee of \$100 shall be paid.

Section 9. For each license to conduct or exhibit a theatre or a moving picture theatre within the corporate limits of any city in this State, having a population of over fifty thousand people, a fee of One Hundred Dollars (\$100) shall be paid to the Clerk of the Peace for the use of the State.

For a theatre, or a moving picture theatre within any city having a population of over 50,000 people a fee of \$100 shall be paid.

Section 10. For each license to conduct or exhibit a theatre or a moving picture theatre within the corporate limits of any city, village or town in this State, having a

For a theatre, or a moving picture theatre in any

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city or town population of less than fifty thousand people, a fee of Twenty-five Dollars shall be paid to the Clerk of the Peace for the use of the State.

For an amusement park a fee of \$500 shall be paid. Section 11. For each license to conduct or exhibit an amusement park, a fee of Five Hundred Dollars (\$500) shall be paid to the Clerk of the Peace for the use of the State.

For a merry-go-round, etc., a fee of \$75 shall be paid. Section 12. For each license to conduct or exhibit a merry-go-round, toboggan slide, switch back, scenic railway, shoot-the-shoots, a fee of Seventy-five Dollars (\$75.00) shall be paid to the Clerk of the Peace for the use of the State.

To conduct any other place of amusement for profit, a fee of \$25 shall be paid. Section 13. For each license to conduct or exhibit any other place of amusement for profit, a fee of Twenty-five Dollars (\$25.00) shall be paid to the Clerk of the Peace for the use of the State.

A license to conduct, or carry on an amusement park shall include the right to carry on any amusement, or an eating house, within the boundaries thereof, but not a circus. Section 14. Any person, firm, company or corporation who secures a license to conduct or carry on an amusement park, under the provisions of this act, shall not be required to take out any further license to conduct any place of amusement or an eating house within the boundaries of such park, provided, however, that an amusement park license shall not give the person, firm, company or corporation holding the same the privilege of conducting or exhibiting a circus.

May conduct a moving picture theatre or exhibit illustrated songs under a theatre license. Section 15. That any person, firm, company or corporation who secures a theatre license under the provisions of this act shall not be required to take out any additional license in order to carry on the business of conducting a moving picture theatre or exhibiting illustrated songs.

Penalty for violation of the act. Section 16. That if any person or persons, firm, company or corporation shall be engaged in, prosecute, follow or carry on within the limits of this State any trade, business, pursuit or occupation named in this act, without having first obtained a proper license therefor, he, she or they, and the individuals composing such firm or company and every of

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them, and the president and directors and every of them of such corporation for every such offence shall be deemed guilty of a misdemeanor and upon conviction thereof by indictment, besides being liable to the payment of the tax, be subject to imprisonment for a term not exceeding two years or to a fine not exceeding Five Hundred Dollars (\$500) or both at the discretion of the Court, one moiety of such fine for the use of the State, the other moiety to the use of the person who shall first give information of the fact whereby such forfeiture was incurred.

Section 17. That in every license to be taken out under or by authority of this act shall be contained and set forth the trade, business, pursuit or occupation for which said license is granted, the name and place of abode of the person or persons taking out the same, and that the fee due the State therefor has been paid; and in the case of theatres, moving picture theatres, amusement parks and all other places of amusements of a permanent character a general description of the place at which the trade, business, pursuit or occupation for which such license is granted is intended to be carried on; provided that a license granted under this act for the purpose of conducting or carrying on any theatre, moving picture theatre, toboggan slide, scenic railway, switch back, amusement park or any other place of amusement of a permanent character shall not authorize the person or persons, firm, company or corporation to be engaged in, prosecute, follow or carry on any trade, business, pursuit or occupation specified in such license in any other place than that described therein; and provided further that if such a house, park, enclosure or place be duly licensed, and the tenant be changed during the year, it shall be lawful for the new tenant to keep such house, park, enclosure or place under said license until the expiration of the term for which it was granted. Where one or more persons are associated together as a firm or co-partnership or doing or carrying on any trade, business, pursuit or occupation mentioned in this act at the same time and place, it shall not be necessary for

*License to set forth the business, or pursuit, name and place of abode of person taking it out, and that fee has been paid.*

*Amusements of a permanent character.*

*Shall not authorize the carrying on of business specified in any other place than that described in the license.*

*Change of tenant will not affect the license.*

*License may be granted in the name of firm, or co-partnership.*



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Where more than one of the pursuits mentioned in act are carried on by the same person at the time license must be taken out for each.

each of the individuals composing such firm or corporation to take out a separate license therefor, but such license may be granted in the name of the firm or co-partnership. In every case where more than one of the trades, businesses, pursuits or occupations mentioned in this act, except as hereinbefore excepted, shall be pursued or carried on by the same person or persons, firm, company or corporation at the same time, a license must be taken out for each according to the rates prescribed by this act.

To bear date on which it is issued.

Shall continue in force one year.

Circus license shall continue in force three months.

Section 18. Every license issued in pursuance of the provisions of this act, except a circus license, shall bear date on the day on which it was issued, shall continue in force for one year from the date thereof and no longer; every circus license issued in pursuance of the provisions of this act shall bear the date on the day on which it was issued and shall continue in force for three months from the date thereof and no longer. Such licenses shall be signed by the Governor of this State and countersigned by the Secretary of State and sealed with the great seal of the State. The death, resignation or removal from office of the Governor or of the Secretary of State, shall not avoid or invalidate any license issued under the provisions of this act. Every person or persons, firm, company or corporation who shall procure a license under this act to conduct a circus shall be authorized and empowered during the term for which such license was granted to exercise and carry on the business or pursuit of conducting or exhibiting a circus in any County of this State, subject, however, to the provisions and restrictions contained in said license. And every person, firm, company or corporation who shall procure a license under this act to conduct or carry on any place of amusement of a permanent character shall be authorized and empowered, during the term for which said license was granted, to exercise and carry on the trade, business, pursuit or occupation for which said license was granted in any County of the State. Provided, that no such person or persons, firm, company or corporation shall be engaged in, prosecute, follow or carry on such trade, busi-

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ness, pursuit or occupation at more than one place at the same time. And provided further, that if any person shall be duly licensed under this act to carry on any trade, business, pursuit or occupation mentioned in this act, and shall die before the expiration of the term for which said license was granted it shall be lawful for his, her or their executors or administrators to exercise and carry on the trade, business, pursuit or occupation for which the license was granted until the expiration of the term for which it was granted. Every person applying to any Clerk of the Peace for a license under the provisions of this act shall, in addition to the fee for the Secretary of the State, as herein provided for, pay to such Clerk of the Peace a fee of fifty cents for issuing the same.

Shall be signed by Clerk of the Peace. Fee of fifty cents.

Section 19. That it shall be the duty of the Secretary of State and he is hereby directed to prepare and to deliver to every Clerk of the Peace blank licenses signed by the Governor, countersigned by the Secretary of State and sealed with the seal of his office for each trade, business, pursuit or occupation mentioned or enumerated in this act, and he shall keep a correct account of the same against each of the said Clerks of the Peace, and shall send a duplicate of every such entry in such account to the Auditor of Accounts.

Secretary of State to prepare and deliver blank licenses to Clerk of the Peace.

Shall keep an account of same.

Duplicate to be sent to Auditor of Accounts.

Section 20. The Auditor of Accounts shall keep an account in the books of his office of all licenses supplied to the Clerks of the Peace by the Secretary of State, in pursuance of the provisions of this act, and all the provisions of Chapter 30 of the Revised Code of the State of Delaware as amended and published in 1893 relative to the duties and powers of the Auditor of Accounts in settling the accounts of said Clerks of the Peace, and in enforcing such settlements shall extend to and be applied to the licenses and fees to the State therefor, which said Clerks of the Peace are by this act authorized and required to issue and collect.

Auditor of Accounts to keep a record.

Section 21. That all the provisions of Section 8 of Chapter 117, Volume 13, Laws of Delaware, relative to the

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duties and powers of the Clerks of the Peace shall extend to and be applied to the licenses and fees authorized and required under the terms and provisions of this act.

Duties of certain county officers when they shall know of any violation of this act.

Section 22. That it shall be the duty of every Justice of the Peace, Sheriff, Deputy Sheriff and Constable, within their respective counties, whenever he shall have knowledge that any person or persons, firm or company is or are engaged in exercising, following or carrying on any trade, business, pursuit or occupation mentioned in this act, without having first obtained a license therefor, as provided by this act, to make a complaint or cause complaint to be made thereof before some Justice of the Peace of his County, who shall thereupon proceed according to the provisions of Chapter 97 of the Revised Code of the State of Delaware in relation to complaints made before him in other criminal cases and of existing provisions of law relative to misdemeanor and offences shall extend and apply to offences created by this act so far as the same are applicable and not inconsistent herewith.

Shall produce license on demand.

Failure to do so.

Section 23. Every person exercising or carrying on any trade, business, pursuit or occupation named in this act shall on demand of any Justice of the Peace, Sheriff, Deputy Sheriff, Constable or citizen within this State, produce the license therefor, and unless he shall do so it shall be presumptive evidence that he has no license.

Option in taking out a license.

Section 24. That every person, firm, company or corporation engaged in the business, pursuit or occupation of conducting an amusement park within the meaning of this Act shall have the option of either taking out a license to conduct said amusement park or of licensing each separate place of amusement within the confines of such park.

Amusements where all profits are for charitable, religious, or philanthropic purposes.

Section 25. That any person, firm, company or corporation conducting or exhibiting any place of amusement which is required to be licensed under the provisions of this act where all of the profits derived from such place of

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amusement are devoted to charitable, religious or philanthropic purposes shall not be required to take out any license under the provisions of this act.

thropic purposes shall not be required to take out a license.

Section 26. That all acts or parts of acts inconsistent with this act be and the same are hereby repealed.

Approved April 13, A. D. 1911.

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## CHAPTER 17.

## OF THE REVENUES OF THE STATE.

AN ACT making appropriations for the Expenses of the State Government other than Legislative Expenses, for the fiscal year ending on Monday immediately preceding the second Tuesday of January in the year of our Lord One Thousand Nine Hundred and Twelve.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Appropriations for expenses for year 1912.

Unexpended money returned to the general fund.

Section 1. That the several amounts named in this act or so much thereof as may be necessary, are hereby appropriated and authorized to be paid out of the treasury of this State to the respective public officers, and for the several purposes specified, for the current fiscal year ending on Monday immediately preceding the second Tuesday of January in the year of our Lord one thousand nine hundred and twelve; provided, however, that all parts or portions of the several sums appropriated by this act, which, on said Monday immediately preceding said second Tuesday of January, A. D. 1912, shall not have been paid out of the treasury, shall be returned to the general fund of the treasury. The said several sums hereby appropriated are, as follows, viz:

Governor.

For the Governor for salary, Four Thousand Dollars.

For the contingent expenses of the Governor's office, One Thousand Dollars.

Lieutenant Governor.

For the Lieutenant Governor, salary as member of Board of Pardons, One Hundred Dollars.

Chancellor.

For the Chancellor for salary, Four Thousand Seven Hundred and Fifty Dollars.

For the Chancellor for reporting, Two Hundred Dollars.

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For the Chancellor to pay contingent expenses of the Court of Chancery, Two Hundred Dollars.

For John R. Nicholson, for one hundred copies of his reports, as Chancellor, Eight Hundred Dollars.

John R.  
Nicholson as  
Chancellor.

For Charles M. Curtis, for one hundred copies of his reports, as Chancellor, Eight Hundred Dollars.

Charles M.  
Curtis as  
Chancellor.

For the stenographer of the Court of Chancery for salary, Twelve Hundred Dollars.

Stenog-  
rapher for  
Court of  
Chancery.

For Chief Justice for salary, Four Thousand Seven Hundred and Fifty Dollars.

Chief  
Justice.

For the Associate Judges for salaries, Seventeen Thousand Six Hundred Dollars.

Associate  
Judges.

For the Associate Judge resident in Kent County, for reporting, Two Hundred Dollars.

Associate  
Judge for  
reporting.

For James Pennewill for one hundred copies of Pennewill's Delaware Reports, Volume 7, One Thousand Dollars.

James  
Pennewill.

For William H. Boyce, for one hundred copies of Boyce's Delaware Reports, Volume 1, One Thousand Dollars.

William H.  
Boyce.

For the Court Stenographer for salary, Two Thousand Dollars.

Court Sten-  
ographer.

For transcript for the Supreme Court and Assistant Stenographer, Five Hundred Dollars.

For the Secretary of State for salary, Four Thousand Dollars.

Salary of  
the Secre-  
tary of State.

For the Secretary of State to pay the contingent expenses of his office, Fifteen Hundred Dollars.

Contingent  
Fund.

For the Secretary of State to pay cost of official bond, Fifty Dollars.

Official  
bond.

For the Stenographer and typewriter for the Governor and Secretary of State for salary, Twelve Hundred Dollars.

Stenog-  
rapher and  
typewriter  
for Governor  
and Secre-  
tary of State.

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Clerks for  
the Secre-  
tary of State. For Clerks for the Secretary of State, for salary,  
Eleven Hundred Dollars.

Attorney  
General. For the Attorney General for salary, Twenty-five Hun-  
dred Dollars.

Deputies. For the Deputy Attorneys General for salary, Two  
Thousand Dollars.

Contingent  
expenses. For contingent expenses for the Attorney General for  
paying expenses in criminal prosecutions, etc., Fifteen Hun-  
dred Dollars.

State De-  
tectives. For the two State Detectives for salaries, Twenty-one  
Hundred Dollars.

For actual expenses in serving requisition papers, Five  
Hundred Dollars.

State Treas-  
urer. For the State Treasurer and Trustee for the School  
Fund for salary, One Thousand Four Hundred and Fifty  
Dollars.

For the State Treasurer under the provisions of Chap-  
ter 67, Volume 21, Laws of Delaware, Five Hundred Dol-  
lars.

For the State Treasurer for contingent expenses, Five  
Hundred Dollars.

For the State Treasurer for paying costs of his official  
bond for the term, Seven Hundred and Twenty-five Dollars.

Clerk for  
State Treas-  
urer. For the Clerk for the State Treasurer, for salary, Nine  
Hundred Dollars.

For the Clerk for the State Treasurer, for paying costs  
of his bond for the term, Two Hundred Dollars.

Auditor of  
Accounts. For the Auditor of Accounts for salary, Two Thousand  
Dollars.

For the Auditor of Accounts for contingent expenses  
exclusive of clerical assistance, Five Hundred Dollars.

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For the Deputy for the Auditor of Accounts, for salary, Deputy Auditor.  
Twelve Hundred Dollars.

For the Insurance Commissioner for salary, Insurance Commissioner.  
Fifteen Hundred Dollars.

For the Insurance Commissioner for services as State Supervisor of Banks, Trust Companies, &c., under Chapter 330, Volume 22, Laws of Delaware, Five Hundred Dollars.

For the Insurance Commissioner to pay the necessary expenses of his office, such as postage, stationery, &c., Seven Hundred Dollars.

For the Insurance Commissioner for contingent expenses as Supervisor of Banks, Trust Companies, &c., Five Hundred Dollars.

For the Insurance Commissioner to pay salary of his clerk, Clerk for Insurance Commissioner.  
Six Hundred Dollars.

For the Insurance Commissioner to pay clerk under Chapter 330, Volume 22, Laws of Delaware, Five Hundred Dollars.

For the State Librarian for salary, State Librarian.  
Twelve Hundred Dollars.

For the State Librarian for contingent expenses, One Hundred and Fifty Dollars.

For the State Librarian to purchase law books for the State Library, Five Hundred Dollars.

For the Janitor of the State House, for salary, Janitor.  
Five Hundred Dollars.

For the Assistant Janitor of the State House, for salary, Assistant Janitor.  
Three Hundred Dollars.

For the Fish Commissioner for salary, and all necessary expenses in discharging the duties of his office, Fish Commissioner.  
Five Hundred Dollars.



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For contingent expenses of Fish Commissioner to pay for postage and stationery, travelling expenses, &c., One Hundred and Twenty-five Dollars.

For hatching, propagating, &c., of food fish under Chapter 559, Volume 18, Laws of Delaware, Six Hundred Dollars.

Oyster  
Revenue  
Collector.

For the Oyster Revenue Collector for salary, Seven Hundred Dollars.

For the payment of officers and crew of Watch Boat for the protection of oysters, Twenty-three Hundred and Forty Dollars.

Free Public  
Schools.

For the benefit of the Free Public Schools in addition to the income arising from the investments of the public school fund, to be used exclusively for the payment of teachers' salaries and furnishing free text books, One Hundred and Thirty-two Thousand Dollars.

County Superin-  
tendents of  
Schools.

For the Three County Superintendents of Schools, Thirty-nine Hundred Dollars.

For the contingent expenses of the Three County Superintendents of Schools, Nine Hundred Dollars.

White  
Teachers'  
Institute.

For the expenses of holding the White Teachers' Institute in the several Counties of this State, Four Hundred and Fifty Dollars.

Colored  
Teachers'  
Institute.

For the expenses of holding Colored Teachers' Institute, One Hundred and Fifty Dollars.

State Board  
of Educa-  
tion and  
County  
School Com-  
missioners.

For the purpose of paying the expenses of the State Board of Education and also the expenses of County School Commissioners under the Act entitled "An Act providing for the establishment of a General System of Free Public Schools," Twenty-five Hundred Dollars.

State Treas-  
urer for  
graded  
schools.

For the State Treasurer to carry out the provisions of "An Act providing graded school facilities for the children of this State," Eighteen Thousand Dollars.

## OF THE REVENUES OF THE STATE.

For the maintenance of Chair of History at Delaware College, Twelve Hundred and Fifty Dollars.

Chair of  
History at  
Delaware  
College.

For the improvement of buildings and grounds for Delaware College, Five Thousand Dollars.

Delaware  
College.

For the Trustees of Delaware College for the use of said College, being its share of the appropriation made by the General Government for the year 1911, Forty Thousand Dollars.

Delaware  
College.

For the Trustees of the State College for colored students for the use of said College, being its share of appropriation made by the General Government for the year 1911, Ten Thousand Dollars.

State Col-  
lege for  
colored  
students.

For the improvement of buildings and grounds for the State College for Colored Students, Three Thousand Dollars.

For the Delaware Industrial School for Girls, Three Thousand Dollars.

Delaware  
Industrial  
School for  
Girls.

For St. Michael's Day Nursery and Hospital for Babies, Five Hundred Dollars.

St. Michael's  
Nursery and  
Hospital.

For the maintenance and instruction of the indigent deaf and dumb, and indigent blind and indigent idiotic children in Institutions outside of the State, Eleven Thousand Two Hundred Dollars.

Maintenance  
of indigent,  
deaf, dumb,  
blind and  
idiotic chil-  
dren.

For the Delaware Society for the Prevention of Cruelty to Children for the purpose of enforcing laws, etc., Nine Hundred Dollars.

Society for  
the Preven-  
tion of  
Cruelty to  
Children.

For the State Library Commission under the provisions of Chapter 362, Volume 22, Laws of Delaware, as amended, One Thousand Dollars.

State Li-  
brary Com-  
mission.

For the State Library Commission, contingent expenses, Two Hundred Dollars.

For libraries in School Districts, Five Hundred Dollars.

Libraries.

## OF THE REVENUES OF THE STATE.

Traveling  
Libraries.

For the Chairman of the Committee on Travelling Libraries, of the State Federation of Women's Clubs for Delaware the sum of One Hundred Dollars, for the purpose of establishing travelling libraries.

Historical  
Society.

For the Historical Society of Delaware for the use thereof, Three Hundred Dollars.

Students at  
Normal  
Schools.

To help defray the expenses of students at Normal Schools, Four Thousand Five Hundred Dollars.

National  
Guard.

For the purpose of carrying into effect the provisions of the Act entitled "An Act to provide for the maintenance, discipline and regulation of the National Guard of Delaware," as amended, Five Thousand Dollars.

For the National Guard of Delaware for field practice, Eight Thousand Dollars.

For the National Guard of Delaware under provisions of Act passed 1907, Twenty-five Hundred Dollars.

Burial of  
indigent  
soldiers, sail-  
ors and ma-  
rines.

For the burial of indigent soldiers, sailors and marines, Seven Hundred and Fifty Dollars.

G. A. R.  
Memorial  
Day.

For G. A. R. Memorial Day expenses, One Thousand Dollars.

Horticul-  
tural So-  
ciety.

For the Peninsula Horticultural Society, Five Hundred Dollars.

Farmers'  
Institute.

For the Farmers' Institute for the purpose of defraying incidental expenses of holding same, Six Hundred Dollars.

Board of  
Agriculture.

For the State Board of Agriculture, Three Thousand Dollars.

Immigra-  
tion Board.

For Immigration Board for the purpose of encouraging Immigration, Twenty-five Hundred Dollars.

Live Stock  
Sanitary  
Board.

For carrying out the provisions of the act establishing the State Live Stock Sanitary Board, Five Thousand Dollars.

## OF THE REVENUES OF THE STATE.

For the Division of Agricultural Extension at Delaware College, Four Thousand Five Hundred Dollars. Delaware College.

For the erection, etc., of buildings at the State Farm, Ten Thousand Dollars. State Farm.

To the town of Dover to pay for water for the use of the State House, One Hundred Dollars. Town of Dover for water rent.

For one year's rent for telephone for State House, Thirty-six Dollars. Telephone service.

For repairing, heating, etc., the State House, One Thousand Dollars. Repairs, etc., to State House.

For Insurance against fire on property belonging to the State, One Thousand Dollars. Insurance.

For interest on the State debt, Thirty-six Thousand Dollars. Interest on State Debt.

For printing Acts and Resolutions of the General Assembly and for all other printing done for the use and benefit of the State, Ten Thousand Dollars. For printing.

For the State Board of Health, Twenty-five Hundred Dollars. Board of Health.

For the salary of the Bacteriologist and all expenses of the pathological and bacteriological laboratory at Delaware College, Thirty-five Hundred Dollars. Salary, etc., of Bacteriologist.

For apparatus for Pathological and Bacteriological Laboratory, Five Hundred Dollars. For apparatus.

For Medical Councils of Delaware, Three Hundred Dollars. Medical Councils.

For Board of State Supplies contingent fund, Five Hundred Dollars. Board State Supplies.

For Public Archive Commission, Five Hundred Dollars. Public Archive Commission.

## OF THE REVENUES OF THE STATE.

Publishing of Records. For Expenses of Publishing the Records recommended by the Public Archive Commission, Two Thousand Dollars.

Revenue and Taxation Commission. For the Revenue and Taxation Commission, Fifteen Hundred Dollars.

Board of Pharmacy. For the State Board of Pharmacy under an Act of 1907, Two Hundred and Fifty Dollars.

Secretary of Senate for his Journal. For the Secretary of the Senate for preparing copy, indexing and superintending the printing of his journal, Five Hundred and Fifty Dollars.

Clerk of the House for his Journal. For the Clerk of the House of Representatives for preparing copy, indexing and superintending the printing of his journal, Five Hundred and Fifty Dollars.

Adjutant General's salary. For the Adjutant General for salary, Six Hundred Dollars.

Clerk's salary. For the Adjutant General to pay the salary of his Clerk, Six Hundred Dollars.

Ferris Industrial School. For the Ferris Industrial School in carrying out the provisions of the compulsory school law, Five Hundred Dollars.

School Houses for colored children. For the improvement of school houses for colored children, Two Thousand Five Hundred Dollars.

State Revenue Collector's salary. For the State Revenue Collector for salary, Twelve Hundred Dollars.

For the State Revenue Collector for contingent funds, Three Hundred Dollars.

Commission for the Blind. For the Delaware Commission for the Blind, Three Thousand Dollars.

Old Folk's Home at Dover. For the Old Folk's Home at Dover, Three Thousand Dollars.

Farnhurst. For the Delaware State Hospital at Farnhurst, Forty-seven Thousand Five Hundred Dollars.

## OF THE REVENUES OF THE STATE.

For the Delaware State Hospital at Farnhurst, Act of Farnhurst.  
1911, Twenty-five Thousand Dollars.

For Public Highways in New Castle County, Ten Thousand Dollars. Public Highways, New Castle County.

For Public Highways in Kent County, Ten Thousand Dollars. Kent County

For Public Highways in Sussex County, Ten Thousand Dollars. Sussex County.

For Factory Inspector, One Thousand Dollars. Factory Inspector.

For Woman Factory Inspector, for salary and contingent fund, One Thousand and Fifty Dollars. Woman Factory Inspector.

For the New Castle County State Highway Commissioner for salary, One Thousand Dollars. Highway Commissioners.

For the Kent County State Highway Commissioner for salary, One Thousand Dollars.

For the State Board of Forestry for contingent expenses, Two Hundred Dollars. Board of Forestry.

For the Delaware State Tuberculosis Commission, Fifteen Thousand Dollars. Tuberculosis Commission.

For the Great Seal of the State, Fifty Dollars. Great Seal.

For Seal for the Secretary of State, Twenty Dollars. Seal of Secretary of State.

For Woman's Christian Temperance Union for Soldier's Rest Room at Delaware City, Two Hundred Dollars. Rest Room at Delaware City.

For the Delaware Commission for the Blind, for making canvass of deaf, dumb, idiotic, and other defectives, Five Hundred Dollars. Commission for the Blind.

For the State Board of Health for distribution of diphtheria antitoxin, One Thousand Dollars. Board of Health.

## OF THE REVENUES OF THE STATE.

Secretary  
of State for  
printing and  
publishing.

For the Secretary of State for Printing and Publishing Constitution of the State of Delaware, the Corporation Laws, the School Laws and the Election Laws, Three Hundred and Fifty Dollars.

Approved April 19, A. D. 1911.

OF THE REVENUES OF THE STATE.

CHAPTER 18.

OF THE REVENUES OF THE STATE.

AN ACT making appropriations for the Expenses of the State Government other than Legislative Expenses, for the fiscal year ending on Monday immediately preceding the second Tuesday of January in the year of our Lord One Thousand Nine Hundred and Thirteen.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Section 1. That the several amounts named in this Act or so much thereof as may be necessary, are hereby appropriated and authorized to be paid out of the treasury of this State to the respective officers, and for the several purposes specified for the current fiscal year ending on Monday immediately preceding the second Tuesday of January in the year of our Lord one thousand nine hundred and thirteen; provided, however, that all parts or portions of the several sums appropriated by this Act, which, on said Monday immediately preceding said second Tuesday of January, A. D. 1913, shall not have been paid out of the treasury, shall be returned to the general fund of the treasury. The said several sums hereby appropriated are as follows, viz:

Appropriations for expenses for year 1913.

Unexpended money returned to the general fund.

For the Governor for salary, Four Thousand Dollars. Governor.

For the contingent expenses of the Governor's office, One Thousand Dollars.

For the Lieutenant Governor, salary as member of Board of Pardons, One Hundred Dollars. Lieutenant Governor.

For the Chancellor for salary, Five Thousand Dollars. Chancellor.

For the Chancellor for reporting, Two Hundred Dollars.



## OF THE REVENUES OF THE STATE.

For the Chancellor to pay contingent expenses of the Court of Chancery, Two Hundred Dollars.

John R. Nicholson as Chancellor. For John R. Nicholson, in payment of one hundred copies of his reports, as Chancellor, Eight Hundred Dollars.

Charles M. Curtis as Chancellor. For Charles M. Curtis, in payment of one hundred copies of his reports, as Chancellor, Eight Hundred Dollars.

Stenographer for Court of Chancery. For the stenographer of the Court of Chancery for salary, Twelve Hundred Dollars.

Chief Justice. For Chief Justice for salary, Five Thousand Dollars.

Associate Judges. For the Associate Judges for salaries, Nineteen Thousand Two Hundred Dollars.

Associate Judge for reporting. For the Associate Judge resident in Kent County, for reporting, Two Hundred Dollars.

James Pennewill. For James Pennewill for one hundred copies of Pennewill's Delaware Reports, Volume 7, One Thousand Dollars.

William H. Boyce. For William H. Boyce, for one hundred copies of Boyce's Delaware Reports, Volume 2, One Thousand Dollars.

Court Stenographer. For the Court Stenographer for salary, Two Thousand Dollars.

For transcript for the Supreme Court and Assistant Stenographer, Five Hundred Dollars.

Salary of the Secretary of State. For the Secretary of State for salary, Four Thousand Dollars.

Contingent fund. For the Secretary of State to pay the contingent expenses of his office, Fifteen Hundred Dollars.

Official bond. For the Secretary of State to pay cost of official bond, Fifty Dollars.

Stenographer and typewriter for Governor and Secretary of State. For the stenographer and typewriter for the Governor and Secretary of State, for salary, Twelve Hundred Dollars.

## OF THE REVENUES OF THE STATE.

For clerks for the Secretary of State, for salary, Clerks for the Secretary of State.  
Eleven Hundred Dollars.

For the Attorney General for salary, Twenty-five Hun- Attorney General.  
dred Dollars.

For the Deputy Attorneys General for salary, Two Deputies.  
Thousand Dollars. .

For contingent expenses for the Attorney General for Contingent expenses.  
paying expenses in criminal prosecutions, etc., Fifteen Hun-  
dred Dollars.

For the two State Detectives for salaries, Twenty-four State Detectives.  
Hundred Dollars.

For actual expenses in serving requisition papers, Five  
Hundred Dollars.

For the State Treasurer and Trustee of the School Fund State Treasurer.  
for salary, One Thousand Four Hundred and Fifty Dollars.

For the State Treasurer, under the provisions of Chap-  
ter 67, Volume 21, Laws of Delaware, Five Hundred Dollars.

For the State Treasurer for contingent expenses, Five  
Hundred Dollars.

For the Clerk for the State Treasurer for salary, Twelve Clerk for State Treasurer.  
Hundred Dollars.

For the Auditor of Accounts for salary, Two Thousand Auditor of Accounts.  
Dollars.

For the Auditor of Accounts for contingent expenses,  
exclusive of clerical assistance, Five Hundred Dollars.

For the Deputy for the Auditor of Accounts for salary, Deputy Auditor.  
Twelve Hundred Dollars.

For the Insurance Commissioner for salary, Fifteen Insurance Commissioner.  
Hundred Dollars.

## OF THE REVENUES OF THE STATE.

For the Insurance Commissioner for services as State Supervisor of Banks, Trust Companies, &c., under Chapter 330, Volume 22, Laws of Delaware, Five Hundred Dollars.

For the Insurance Commissioner to pay the necessary expenses of his office, such as postage, stationery, &c., Seven Hundred Dollars.

For the Insurance Commissioner for contingent expenses as Supervisor of Banks, Trust Companies, &c., Five Hundred Dollars.

Clerk for  
Insurance  
Commis-  
sioner.

For the Insurance Commissioner to pay salary of his clerk, Six Hundred Dollars.

For the Insurance Commissioner to pay Clerk under Chapter 330, Volume 22, Laws of Delaware, Five Hundred Dollars.

State  
Librarian.

For the State Librarian for salary, Twelve Hundred Dollars.

For the State Librarian for contingent expenses, One Hundred and Fifty Dollars.

For the State Librarian to purchase law books for the State Library, Five Hundred Dollars.

Janitor.

For the Janitor of the State House for salary, Five Hundred Dollars.

Assistant  
Janitor.

For the assistant Janitor of the State House for salary, Four Hundred Dollars.

Fish Com-  
missioner.

For the Fish Commissioner for salary, and all necessary expenses in discharging the duties of his office, Five Hundred Dollars.

For contingent expenses of Fish Commissioner to pay for postage and stationery, travelling expenses, &c., One Hundred and Twenty-five Dollars.

## OF THE REVENUES OF THE STATE.

For hatching, propagating, &c., of food fish under Chapter 559, Volume 18, Laws of Delaware, Six Hundred Dollars.

For the Oyster Revenue Collector for salary, Seven Hundred Dollars. Oyster Public Revenue Collector.

For the payment of officers and crew of watch boat for the protection of oysters, Two Thousand Three Hundred and Forty Dollars.

For the benefit of the Free Public Schools in addition to the income arising from investments of the Public School funds to be used exclusively for the payment of teachers' salaries and for furnishing free text books, One Hundred and Thirty-two Thousand Dollars. Free Public Schools.

For the three County Superintendents of Schools, Thirty-nine Hundred Dollars. County Superintendents of Schools.

For contingent expenses for the three County Superintendents of Schools, Nine Hundred Dollars.

For the expenses of holding the White Teachers' Institute in the several counties of this State, Four Hundred and Fifty Dollars. White Teachers' Institute.

For the expenses of holding Colored Teachers' Institute, One Hundred and Fifty Dollars. Colored Teachers' Institute.

For the purposes of paying the expenses of the State Board of Education and the expenses of the County School Commissioners, under the Act entitled "An Act providing for the establishment of a general system of Free Public Schools," Twenty-five Hundred Dollars. State Board of Education and County School Commissioners.

For the State Treasurer to carry out the provisions of "An Act providing graded school facilities for the children of this State," Eighteen Thousand Dollars. State Treasurer for graded schools.

For the maintenance of Chair of History at Delaware College, Twenty-five Hundred Dollars. Chair of History at Delaware College.

## OF THE REVENUES OF THE STATE.

Delaware  
College.

For the improvement of buildings and grounds at Delaware College, Five Thousand Dollars.

Delaware  
College.

For the Trustees of Delaware College for the use of said College, being its share of the appropriation made by the General Government for the year 1912, Forty Thousand Dollars.

State Col-  
lege for  
Colored  
Students.

For the Trustees of the State College for Colored Students for the use of said College, being its share of the appropriation made by the General Government for the year 1912, Ten Thousand Dollars.

Delaware  
Industrial  
School for  
Girls.

For the Delaware Industrial School for Girls, Three Thousand Dollars.

St. Michael's  
Nursery  
and Hospital

For St. Michael's Day Nursery and Hospital for Babies, Five Hundred Dollars.

Maintenance  
of indigent  
deaf, dumb,  
blind, and  
idiotic chil-  
dren.

For the maintenance and instruction of the indigent deaf and dumb, indigent blind and indigent idiotic children in institutions outside of the State, Eleven Thousand Two Hundred Dollars.

Society for  
the Preven-  
tion of  
Cruelty to  
Children.

For the Delaware Society for the Prevention of Cruelty to Children, for the purpose of enforcing laws, etc., Nine Hundred Dollars.

State  
Library  
Commission.

For the State Library Commission under the provisions of Chapter 362, Volume 22, Laws of Delaware, as amended, One Thousand Dollars.

For the State Library Commission for contingent expenses, Two Hundred Dollars.

Libraries.

For Libraries in School Districts, Five Hundred Dollars.

Traveling  
Libraries.

For the Chairman of the Committee on Travelling Libraries of the State Federation of Women's Clubs for Delaware, One Hundred Dollars for the purpose of establishing Travelling Libraries.

## OF THE REVENUES OF THE STATE.

For the Historical Society of Delaware, Three Hundred Dollars. Historical Society.

To help defray the expenses of students at Normal Schools, Four Thousand Five Hundred Dollars. Students at Normal Schools.

For the purpose of carrying into effect the provisions of the Act entitled "An Act to provide for the maintenance, discipline and regulation of the National Guard of Delaware," as amended, Five Thousand Dollars. National Guard.

For the National Guard of Delaware for field practice, Eight Thousand Dollars.

For the National Guard of Delaware under provisions of Act passed 1907, Twenty-five Hundred Dollars.

For the burial of indigent soldiers, sailors and marines, Seven Hundred and Fifty Dollars. Burial of indigent soldiers, sailors, and marines.

For G. A. R. Memorial Day expenses, One Thousand Dollars. G. A. R. Memorial Day.

For the Peninsula Horticultural Society, Five Hundred Dollars. Horticultural Society.

For the Farmers' Institute for the purpose of defraying incidental expenses of holding same, Six Hundred Dollars. Farmers' Institute.

For the State Board of Agriculture, Three Thousand Dollars. Board of Agriculture.

For the Immigration Board for the purpose of encouraging Immigration, Twenty-five Hundred Dollars. Immigration Board.

For carrying out the provisions of the Act establishing the State Live Stock Sanitary Board, Five Thousand Dollars. Live Stock Sanitary Board.

For the Division of Agricultural Extension at Delaware College, Four Thousand Five Hundred Dollars. Delaware College.

## OF THE REVENUES OF THE STATE.

Town of Dover for water rent.	For the Town of Dover to pay for water for the use of the State House, One Hundred Dollars.
Telephone service.	To one year's rent of telephone for State House, Thirty-six Dollars.
Repairs, etc., to State House.	For repairing, heating, &c., of State House, One Thousand Dollars.
Insurance.	For insurance against fire on property belonging to the State, One Thousand Dollars.
Interest on State Debt.	For interest on the State debt, Thirty-six Thousand Dollars.
For printing.	For printing Acts and Resolutions of the General Assembly and for all other printing done for the use and benefit of the State, Ten Thousand Dollars.
State Hos- pital at Farnhurst.	For the Delaware State Hospital at Farnhurst, Seventy-two Thousand Five Hundred Dollars.
Joint Com- mittee to settle with certain officers.	For the expenses of the Joint Committee appointed to settle with certain State Officers and Institutions, One Thousand Dollars.
Factory Inspector.	For Factory Inspector for salary, One Thousand Dollars.
Woman Factory Inspector.	For Woman Factory Inspector for salary and contingent fund, One Thousand and Fifty Dollars.
Registration officers.	For Registration officers for compensation, Fifteen Thousand Dollars.
Department of Elections.	For Department of Elections in the City of Wilmington, Forty-three Hundred Dollars.
Board of State Sup- plies.	For Board of State Supplies, contingent fund, Five Hundred Dollars.
Public Arch- ive Com- mission.	For Public Archive Commission, Five Hundred Dollars.
Publishing of Records.	For expenses of publishing the Records recommended by the Public Archive Commission, Two Thousand Dollars.

## OF THE REVENUES OF THE STATE.

For the Revenue and Taxation Commission, Fifteen Hundred Dollars. Revenue and Taxation Commission.

For the State Board of Pharmacy, Two Hundred and Fifty Dollars. Board of Pharmacy.

For the Delaware Commission for the Blind, Three Thousand Dollars. Commission for the Blind.

For the Adjutant General for salary, Six Hundred Dollars. Adjutant General's salary.

For Ferris Industrial School to carry into effect the provisions of the Compulsory School Law, Five Hundred Dollars. Ferris Industrial School.

For the State Revenue Collector for salary, Twelve Hundred Dollars. State Revenue Collector's salary.

For the State Revenue Collector for contingent fund, Three Hundred Dollars.

For the State Board of Health, Twenty-five Hundred Dollars. Board of Health.

For the salary of the Bacteriologist and all expenses of the pathological and bacteriological laboratory at Delaware College, Thirty-five Hundred Dollars. Bacteriologist's salary, etc.

For medical Councils of Delaware, Three Hundred Dollars. Medical Councils.

For the Adjutant General to pay salary of his Clerk, Six Hundred Dollars. Clerk for the Adjutant General.

For Public Highways in New Castle County, Ten Thousand Dollars. Public Highways New Castle County.

For Public Highways in Kent County, Ten Thousand Dollars. Kent County.

For Public Highways in Sussex County, Ten Thousand Dollars. Sussex County.



## OF THE REVENUES OF THE STATE.

Highway  
Commis-  
sioners.            For New Castle County State Highway Commissioner  
for salary, One Thousand Dollars.

For Kent County State Highway Commissioner for sal-  
ary, One Thousand Dollars.

Tuberculosis  
Commis-  
sion.            For the Delaware State Tuberculosis Commission, Fif-  
teen Thousand Dollars.

School  
Houses for  
colored  
children.            For the improvement of School Houses for Colored  
Children, Two Thousand Five Hundred Dollars.

Rest Room  
at Delaware  
City.            For Woman's Christian Temperance Union for Sol-  
diers' Rest Room at Delaware City, Two Hundred Dollars. .

Board of  
Forestry.            For the State Board of Forestry for contingent ex-  
penses, Two Hundred Dollars.

Secretary of  
State for  
printing and  
publishing.            For the Secretary of State for printing and publishing  
the Constitution of the State of Delaware, the Corporation  
Laws, the School Laws, and the Election Laws, Three Hun-  
dred and Fifty Dollars.

Approved April 19, A. D. 1911.

## OF THE REVENUES OF THE STATE.

## CHAPTER 19.

## OF THE REVENUES OF THE STATE.

AN ACT appropriating certain money out of the State Treasury of this State to pay certain claims against the State.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Section 1. That the several sums of money hereinafter named are hereby appropriated out of the Treasury of this State for the purpose of paying the claims hereinafter mentioned, and the State Treasurer is hereby authorized and directed to pay the same, as follows:

Milford Chronicle Publishing Co. ....	\$ 50.45
State Sentinel Printing Company .....	2.00
Star Printing Company .....	80.50
B. F. Simmons, Jr. ....	102.00
B. F. Simmons, Jr., Printer .....	667.83
Smyrna Times .....	112.40
Mercantile Printing Company .....	48.00
Mercantile Printing Company .....	11.60
The Delawarean .....	17.40
Julian B. Robinson .....	72.25
The Town of Dover .....	290.21
Samuel W. Darby .....	58.00
Julian B. Robinson .....	172.25
Diamond State Telephone Company .....	279.28
J. E. Beck .....	325.00
C. H. LeFevre .....	48.22
William E. Maloney .....	28.00
Joshua B. Raughley .....	18.00
James W. Wise .....	10.00
Pennel Rash .....	36.00
Wilbur Wilson .....	23.00

Appropriation for paying claims against State.

## OF THE REVENUES OF THE STATE.

John Behen, Jr. & Co. ....	31.00
The Dover Index .....	12.50
James A. Kerin .....	46.00
Trustees of Delaware College .....	43.47
George W. Marshall .....	25.00
Charles L. Moore .....	35.00
The Evening Journal .....	.98
William Hardcastle .....	50.00
R. G. Buckingham .....	47.54
Levy Court of Kent County .....	144.00
Clark & McDaniel .....	149.60
J. A. Hartnett & Bro. ....	90.00
Elwood Souder .....	54.15
Dover Lumber & Milling Company .....	27.71
S. B. Hancock .....	8.58
Charles H. Maull .....	501.32
Frank Starling .....	1,345.82
John Wanamaker .....	26.25
Donohoe & Son .....	16.96
H. I. Beers .....	47.41
Alfred Raikes .....	8.35
George E. Coffin .....	2.40
Alexander G. Wolcott .....	8.00
J. R. Hunter .....	31.20
E. L. Jones & Co. ....	3.92
Peninsula Electric .....	114.91
T. K. Jones Bro. Co. ....	152.59
Mabel Moore .....	5.86
M. Megary & Sons .....	32.07
M. Megary & Sons .....	14.11
Chauncey P. Holcomb .....	350.00
Walter Witsil .....	7.00
J. S. Godwin .....	32.25
Every Evening .....	9.68
D. O. Moore for Adding Machines for State Of- ficers .....	375.00
Oscawana Building Company .....	8.40

## OF THE REVENUES OF THE STATE.

Alfred Raikes .....	179.00
Dover Lumber and Milling Company .....	4.79
W. L. Pritchett .....	7.25
Elmer I. Abbott .....	300.00
Estella Rash .....	15.00
Margaret G. Horn .....	15.00
Bessie M. Francis .....	15.00
Edna A. Bice .....	15.00
Charles R. Watson .....	15.00
Raymond Flinn .....	15.00
John M. Mendinhall .....	50.85
Charles R. Miller .....	50.85
Thomas M. Monaghan .....	50.85
Frank P. Ewing .....	61.70
Darlington Flinn .....	50.85
Lewis F. Ellison .....	45.00
Alexander P. Corbit .....	28.95
James H. David .....	30.75
Edward G. Walls .....	20.60
J. Herman Anderson .....	12.60
John W. Sheldrake .....	34.45
George W. Marshall .....	30.60
George F. Pierce .....	30.60
James E. Dutton .....	40.95
John W. Fooks .....	48.40
Louis A. Drexler .....	97.50
William F. Blackstone .....	64.02
Granville P. Alexander .....	50.85
Harry I. Gillis .....	50.85
Alfred B. Moore .....	51.45
Dr. T. O. Cooper .....	50.85
Thomas F. Gormley .....	50.85
John T. Talley .....	57.75
Henry C. White .....	50.85
Richard G. Buckingham .....	66.35
Andrew L. Fisher .....	44.10
John M. Wilson .....	45.45

## OF THE REVENUES OF THE STATE.

Everett C. Johnson .....	44.10
Albert J. Swan .....	47.06
Frank R. Pool .....	30.00
Edward R. Hart .....	30.75
Andrew J. Wright .....	22.00
James E. Hoffecker .....	22.75
Thomas D. Garrison .....	12.39
Edward A. Evans .....	12.18
William H. Marvil .....	12.00
Thomas A. Bell .....	15.75
Charles S. Conwell .....	13.95
Benjamin F. Cooper .....	17.55
George E. Morris .....	30.00
Edward S. Beswick .....	30.60
Joseph G. Davis .....	30.60
Frank Elliott ... ..	30.75
James H. Layton .....	40.95
Ebenezer B. Hastings .....	46.80
Elder F. Lecates .....	52.65
John W. Messick .....	52.50
Dennard W. Campbell .....	69.60
William T. Hurdle .....	42.06
John H. Hammond .....	51.03
John M. Robbins .....	45.00
Oscawana Building Company .....	7.94
B. F. Simmons, Jr., Printer .....	286.13
Theodore Townsend .....	179.32
Raymond Flinn ....	25.00
H. R. Harrington .....	125.50
Lewis C. Moody .....	3.88
Bernard Moody ....	3.88
C. Herbert Neutze .....	3.88
Ruth A. Neutze .....	3.88
Sarah E. Foster .....	3.88
Elizabeth Miller .....	3.88
Mary H. Ford .....	3.88
Elizabeth C. Marks .....	3.88

## OF THE REVENUES OF THE STATE.

John R. Nicholson .....	3.88
David T. Marvel .....	3.88
Harry Emmons .....	3.88
Thomas F. Bayard .....	3.88
George L. Townsend, Jr. ....	3.88
John Hunn .....	1.18
F. J. McNulty .....	3.88
James W. Robertson .....	3.88
Robert J. Harmon .....	3.88
Charles E. Anderson .....	3.88
James T. Alexander .....	3.88
Theodore Francis .....	3.88
William G. Taylor .....	3.88
Lewis C. Morrow .....	3.88
Thomas A. Day .....	3.88
H. C. White .....	3.88
William H. Bowers .....	3.88
Charles Jester .....	3.88
Charles Smith .....	3.88
Samuel M. Knox .....	3.88
George W. Sparks .....	3.88
Henry Stafford .....	3.88
Jacob G. Clark .....	3.88
Homer Grinnage .....	3.88
Thomas Holt .....	3.88
James Hitchens .....	3.88
Robert J. Benson .....	3.88
Sewell D. Scott .....	3.88
Hugh McBride .....	3.88
John Purcell .....	3.88

Approved April 4, A. D. 1911.

## OF THE REVENUES OF THE STATE.

## CHAPTER 20.

## OF THE REVENUES OF THE STATE.

AN ACT appropriating the sum of Twelve Thousand Dollars for the payment of certain expenses incurred in building the State Administration and Library Building, and altering the State House.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Appropriation to pay extra expenses in altering, restoring and completing State House.

Section 1. That the sum of twelve thousand dollars be and the same is hereby appropriated out of the Treasury of this State for the purpose of paying certain extra expenses incurred in completing the State Administration and Library Building and in altering and restoring the State House, such sum to be paid by the State Treasurer out of any money in the State Treasury, not otherwise appropriated, upon warrant or warrants drawn by the proper officers of the Commission named under the provisions of Chapter 3, Volume 25, Laws of Delaware, entitled "An Act providing for the erection and equipment of a fire proof State Administration and Library Building at Dover, and for the alterations to the State House," such warrant or warrants to be approved by the State Auditor.

Approved March 24, A. D. 1911.

OF THE REVENUES OF THE STATE.

CHAPTER 21.

OF THE REVENUES OF THE STATE.

AN ACT to re-appropriate certain moneys to the State Federation of Women's Clubs for Delaware for the purpose of establishing travelling libraries.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Section 1. That there is re-appropriated from the General Funds of the State of Delaware an appropriation for the year nineteen hundred and ten, and that the same shall be paid to the Treasurer of the State Federation of Women's Clubs for Delaware, One Hundred Dollars for the purpose of establishing Travelling Libraries.

One hundred dollars re-appropriated.

Approved March 28, A. D. 1911.



## OF THE REVENUES OF THE STATE.

## CHAPTER 22.

## OF THE REVENUES OF THE STATE.

AN ACT appropriating Three Thousand Dollars for the Maintenance and Support of the Old Folks' Home at Dover.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (three-fourths of all the members elected to each House concurring therein) :*

\$3,000 appropriated to the Old Folks' Home at Dover.

Section 1. That the sum of Three Thousand Dollars be and the same is hereby appropriated out of the Treasury of this State to be paid to the Ever Ready Circle Kings Daughters, a corporation of this State, for the maintenance and support of the Old Folks' Home at Dover.

To be paid on warrant drawn by the Governor.

Section 2. That the said sum of Three Thousand Dollars shall be paid to the President of said Corporation by warrant drawn by the Governor upon the State Treasurer, and the receipt of the President of said Corporation, attested by its Secretary shall be a sufficient voucher therefor.

Approved April 4, A. D. 1911.

## OF THE REVENUES OF THE STATE.

## CHAPTER 23.

## OF THE REVENUES OF THE STATE.

AN ACT appropriating certain moneys for the maintenance of the Soldiers Rest Room at Delaware City, Delaware.

Whereas the Women's Christian Temperance Union of the State of Delaware by means of Voluntary Contributions have purchased and are maintaining property in the town of Delaware City, New Castle County and State of Delaware, for the purpose of a Rest Room for Soldiers in and around Delaware City, Now, Therefore,

Preamble.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Section 1. That the sum of Two Hundred Dollars be and the same is hereby annually appropriated, payable in semi-annual installments, to the Women's Christian Temperance Union of the State of Delaware to be expended for the support and maintenance of the Soldiers Rest Room now maintained and supported by the Women's Christian Temperance Union of the State of Delaware, located in the Town of Delaware City, New Castle County and State of Delaware. The President of the Women's Christian Temperance Union of the State of Delaware, the Treasurer of the Women's Christian Temperance Union of the State of Delaware and the President of the Women's Christian Temperance Union of New Castle County and State of Delaware, are hereby authorized and directed to expend the moneys hereby appropriated for the support and maintenance of the said Soldiers Rest Room.

\$200 annually appropriated for the maintenance of the Soldiers Rest Room.

Approved April 13, A. D. 1911.

## OF THE REVENUES OF THE STATE.

## CHAPTER 24.

## OF THE REVENUES OF THE STATE.

AN ACT authorizing the State Treasurer to pay over to the Levy Court of New Castle County the sum of Five Hundred Dollars to Reimburse the Levy Court of New Castle County for compensation paid by said Levy Court to the five Assessors of Wilmington Hundred for performing the duties under the provisions of Section 19, Chapter 12, Revised Code of 1893, Laws of Delaware, as amended by Chapter 50, Volume 23, Laws of Delaware.

Preamble. Whereas, under the provisions of Chapter 50, Volume 23, Laws of Delaware, the five assessors of Wilmington Hundred did make out the list provided in Section 19, Chapter 12, Revised Code of 1893, Laws of Delaware, for their respective representative or assessor districts; and

Preamble. Whereas, the Levy Court of New Castle County, under the provisions of said Chapter 50, Volume 23, Laws of Delaware, has paid to each of said assessors for assessments made by them respectively for two years, the sum of one hundred dollars, amounting in all to five hundred dollars, for performing the duties aforesaid; and

Preamble. Whereas, the duties performed by said assessors and paid for by said Levy Court were performed for the State of Delaware, Therefore,

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

State Treasurer to pay to Levy Court of New Castle County \$500. Section 1. That the State Treasurer be and he is hereby authorized, empowered and directed to pay over to the Levy Court of New Castle County, the sum of five hundred dollars.

Section 2. That the said sum of five hundred dollars be and the same is hereby expressly appropriated and set apart

OF THE REVENUES OF THE STATE.

out of any moneys now being in the hands of the State Treasurer and not otherwise duly appropriated.

Section 3. This Act shall be deemed and taken to be a public Act.

Approved April 13, A. D. 1911.

## OF THE LEVY COURT.

## CHAPTER 25.

## OF THE LEVY COURT.

AN ACT to authorize the Levy Court of New Castle County to borrow two hundred thousand dollars to be expended for the permanent improvement of public highways of New Castle County under the provisions of Chapter 139, Volume 23, Laws of Delaware, entitled "An Act to provide for the repeal of Chapter 380, Volume 22, Laws of Delaware, being an Act entitled, 'An Act to provide for the permanent improvement of the Public Highways in the State of Delaware,'" and providing for the permanent improvement of the Public Highways in New Castle County, Delaware.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Levy Court  
authorized  
to borrow  
money.

Not to ex-  
ceed \$200,000.

For improve-  
ment of  
highways.

To issue  
bonds.

Rate of  
interest.

Payment of  
interest.

Section 1. That the Levy Court of New Castle County, be and is hereby authorized and empowered to borrow upon the faith and credit of said County, as hereinafter provided, a sum not exceeding two hundred thousand dollars, to be expended for the permanent improvement of highways of New Castle County, under the provisions of an Act entitled "An Act to provide for the repeal of Chapter 380, Volume 22, Laws of Delaware, being an Act entitled "An Act to provide for the permanent improvement of the public highways in the State of Delaware," and providing for the permanent improvement of the public highways in New Castle County, Delaware," being Chapter 139, Volume 23, Laws of Delaware, and for the purpose of securing the payment of such sum, to issue bonds in denominations of one thousand dollars each and bearing such rate of interest, not exceeding four and one-half per centum per annum as said Levy Court may deem expedient. The interest upon said bonds shall be payable semi-annually in each and every year from the date of issue thereof.

## OF THE LEVY COURT.

Section 2. Said bonds shall be divided into twenty classes, and shall be paid at their face value as follows: Bonds divided into classes.

Class.	Amount.	Year of Maturity.
A. ....	\$15,000.....	1945.
B. ....	\$15,000.....	1946.
C. ....	\$15,000.....	1947.
D. ....	\$15,000.....	1948.
E. ....	\$15,000.....	1949.
F. ....	\$10,000.....	1950.
G. ....	\$10,000.....	1951.
H. ....	\$10,000.....	1952.
I. ....	\$10,000.....	1953.
J. ....	\$10,000.....	1954.
K. ....	\$10,000.....	1955.
L. ....	\$10,000.....	1956.
M. ....	\$10,000.....	1957.
N. ....	\$10,000.....	1958.
O. ....	\$10,000.....	1959.
P. ....	\$ 5,000.....	1960.
Q. ....	\$ 5,000.....	1961.
R. ....	\$ 5,000.....	1962.
S. ....	\$ 5,000.....	1963.
T. ....	\$ 5,000.....	1964.

Said bonds may at the option of the Levy Court contain a provision for the redemption thereof by the Levy Court at any time after the expiration of five years from the date thereof, at a premium not to exceed five per cent. May be redeemed after five years.

Section 3. Said bonds shall be prepared under the supervision of the Levy Court Commissioners and shall be signed by the County Treasurer, the President of the Levy Court and the Clerk of the Peace of New Castle County, and shall be under the seal used by the Levy Court of New Castle County. It shall be the duty of such officers to execute said bonds when directed by the Levy Court to do so, and it shall be the duty of the County Treasurer and the Levy Court to keep a record of said bonds. Preparation of bonds.  
How signed and sealed.

## OF THE LEVY COURT.

Sale of  
bonds.

Section 4. Said bonds, or any part thereof, may be sold when and as the said Levy Court Commissioners, shall by resolution determine, and until sold shall remain in the custody of the County Treasurer. Whenever in the judgment of the Levy Court Commissioners it shall be deemed desirable that any part or all of said bonds shall be sold, said Levy Court Commissioners may sell and dispose of the same on the most advantageous terms possible after having advertised the same in the public press at least once each week for at least two weeks. No commission or other compensation shall be charged or paid to any member of said Levy Court for effecting the sale or negotiation of said bonds.

No compen-  
sation for  
effecting  
sale.

Payable at  
the Farmers'  
Bank.

Section 5. Said bonds, principal and interest shall be payable at the Farmers' Bank at Wilmington, Delaware, in gold coin of the United States of America equal in weight and fineness to the present standard, out of the money from time to time appropriated for that purpose by the Levy Court of New Castle County as hereinafter provided; and the said Levy Court is hereby authorized and directed to pay the interest on said bonds to the said Farmers' Bank when and as the same shall become due and to pay said bonds when and as the respective classes mature, in accordance with the foregoing schedule. The said Levy Court in fixing the rate of taxation shall annually, until the first instalment of said bonds shall become due and payable, provide for a sum equal to the amount of interest due each year upon said bonds, and as and when said bonds shall become due and payable, shall in like manner provide for a sum equal to the amount of such bonds in addition to the amount necessary to pay the interest on the unpaid bonds as before provided, which shall, when collected and paid to the County Treasurer, be set apart by him in a separate account to be opened for that purpose; and the said County Treasurer shall apply the said sum annually to the payment of such part of said loan and interest thereon as may from time to time become due under the provisions of Section 2 of this Act.

Levy Court  
directed to  
pay interest  
and mature  
bonds.

Shall provide  
for sum  
equal to  
amount of  
interest and  
of bonds  
due.

County  
Treasurer  
to keep in  
a separate  
account.

## OF THE LEVY COURT.

Section 6. All of said bonds shall bear the same date and shall be numbered from one to two hundred inclusive. All money received from the sale of any or all of said bonds, after the payment of the charges and expenses connected with the preparation and sale thereof, shall be deposited by the County Treasurer at the Farmers' Bank at Wilmington to the credit of the Levy Court of New Castle County, in a separate account, and payments therefrom shall be made in the same manner as other payments by said Levy Court; provided that no part of the money thus obtained, except as in this Section provided, shall be used for any other purpose than for the permanent improvement of highways under the provisions of an Act entitled, "An Act to provide for the repeal of Chapter 380, Volume 22, Laws of Delaware, being an Act entitled, "An Act to provide for the permanent improvement of the public highways in the State of Delaware," and providing for the permanent improvement of the public Highways in New Castle County, Delaware," being Chapter 139, Volume 23, Laws of Delaware; and provided further that the purchasers or holders of said bonds shall not be bound to see to, or be affected by, the application of said money realized from the sale of said bonds. And provided further, that of the money thus obtained, not less than the amounts hereinafter specified shall be spent in the following Hundreds for the permanent improvement of highways under the provisions of this Act, viz:

Date and number.

Shall be deposited in the Farmers' Bank.

Amounts to be spent in the several Hundreds.

Brandywine Hundred, not less than.....	\$29,300.00
Christiana Hundred, not less than.....	\$34,600.00
Mill Creek Hundred, not less than.....	\$22,300.00
White Clay Creek Hundred, not less than.....	\$16,100.00
New Castle Hundred, not less than.....	\$24,700.00
Pencader Hundred, not less than.....	\$10,700.00
Red Lion Hundred, not less than.....	\$10,400.00
St. Georges Hundred, not less than.....	\$25,300.00
Appoquinimink Hundred, not less than.....	\$10,300.00
Blackbird Hundred, not less than.....	\$ 7,500.00



## OF THE LEVY COURT.

Roads to be  
built and  
completed  
first.

Section 7. The following roads shall be fully built and completed in the respective hundreds under the provisions of this Act, in so far as the funds by this Act provided will permit, before any other roads in said hundreds shall be built, namely:

In Brandy-  
wine Hun-  
dred.

In Brandywine Hundred, the road leading from the Wilmington and Philadelphia Turnpike to the Pennsylvania line, provided no provision be made for the improvement of such road out of any other fund; the Weldin road, beginning at the Foulk road, as far as the Talley road, thence by way of the Talley road to Shellpot School; the road leading from Miller's Crossroads on the Foulk road to the Naaman's Creek Road at Point Breeze School House; and the Marsh Road leading from the Wilmington and Philadelphia Turnpike to the Silverside improved road.

In Chris-  
tiana Hun-  
dred.

In Christiana Hundred, the road leading from the Wilmington and Kennett Turnpike Road to Price's Corner by way of the Ferris Industrial School; the road leading from said the Wilmington and Kennett Turnpike Road to the Jackson Inn on the Wilmington and Lancaster Turnpike Road; and the West Chester Road leading from Adam's Crossroads to McCullough's Crossroads.

In Mill Creek  
Hundred.

In Mill Creek Hundred, beginning at Hendrickson's farm on the Telegraph Road leading from St. James' Church to Newark, thence to Taylor's old factory, thence by way of Pike's Creek to Rankin Road, thence to Fairview road, and thence to Union.

In White  
Clay Creek  
Hundred

In White Clay Creek Hundred, the road known as the Newark and Elkton Road, from the limits of the Town of Newark to the line of Pencader Hundred; then the unimproved portion of the Philadelphia and Baltimore Turnpike between Christiana and Cooch's Bridge.

In New  
Castle Hun-  
dred.

In New Castle Hundred, the Hare's Corner Road, from the limits of the City of New Castle to the State Road at Hare's Corner; then the Wilmington and New Castle Road,

## OF THE LEVY COURT.

from the limits of the City of New Castle to the portion of this road already improved; then the road leading from Tybout's Corner, to the Bear, beginning at the portion of this road already improved.

In Pencader Hundred, the road known as the Newark and Elkton road, from the line of White Clay Creek Hundred to the Maryland State Line. In Pencader Hundred.

In Red Lion Hundred, the road leading from Kirkwood Station to the Village of St. Georges. In Red Lion Hundred.

In St. Georges Hundred, the road leading from Odessa towards St. Georges by way of Boyd's Corner, provided no provision be made for the improvement of such road out of any other fund. In St. Georges Hundred.

In Appoquinimink Hundred, the road beginning at Ginn's Corner and continuing towards Blackbird, provided no provision be made for the improvement of such road out of any other fund. In Appoquinimink Hundred.

In Blackbird Hundred, the road leading from Clayton to Cypress Bridge, beginning at the Kent County line. In Blackbird Hundred.

Section 8. The bonds to be issued shall be in the following form, to wit: Form of bonds.

UNITED STATES OF AMERICA.  
STATE OF DELAWARE.

Class..... Number.....

NEW CASTLE COUNTY HIGHWAY IMPROVEMENT.

BOND.

THIRD SERIES.

\$1000.00

\$1000.00

New Castle County in the State of Delaware, for value received, hereby acknowledges its indebtedness and promises

## OF THE LEVY COURT.

to pay to the holder of this bond at the Farmers' Bank at Wilmington, on the                      day of                      A. D., 19   , the sum of One Thousand Dollars, with interest thereon at the rate of        per centum per annum, payable semi-annually on the                      .        day of                      and                      in each year. This bond is one of the authorized issue of two hundred bonds aggregating two hundred thousand dollars, by virtue of and in strict compliance with an Act of the General Assembly of the State of Delaware, approved A. D. 1911 entitled "An Act to authorize the Levy Court of New Castle County to borrow two hundred thousand dollars to be expended for the permanent improvement of public highways in New Castle County under the provisions of Chapter 139, Volume 23, Laws of Delaware entitled "An Act to provide for the repeal of Chapter 380, Volume 22, Laws of Delaware, being an Act entitled "An Act to provide for the permanent improvement of public highways in the State of Delaware," and providing for the permanent improvement of the public highways in New Castle County, Delaware," and in pursuance of a resolution of the Levy Court of New Castle County, adopted A. D., 19   .

It is hereby certified that this bond is one of the issue authorized by the above recited Act of the General Assembly and that the faith and credit of said New Castle County are pledged for the punctual payment of the principal and interest of this bond according to the terms.

In Witness Whereof the County Treasurer, President of the Levy Court and Clerk of the Peace, of New Castle County, have hereunto set their hands and the seal used by the Levy Court of New Castle County, at the City of Wilmington, in Delaware, this                      day of                      ,  
A. D. 19   .

.....,  
*County Treasurer of New Castle County.*

OF THE LEVY COURT.

.....,  
*President of the Levy Court of New Castle County.*

.....,  
*Clerk of the Peace of New Castle County.*

Section 9. Said bonds shall contain such provisions in addition to those set forth in Section 8 of this Act, and not inconsistent with the requirements of this Act, as said Levy Court shall determine.

May contain  
other pro-  
visions not  
inconsistent.

Approved April 6, A. D. 1911.

## OF THE LEVY COURT.

## CHAPTER 26.

## OF THE LEVY COURT.

AN ACT to authorize the Levy Court of New Castle County to borrow money to build an annex to the New Castle County Court House.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Authorized  
to erect an  
annex to the  
New Castle  
County  
Court House.

Section 1. The Levy Court of New Castle County is hereby authorized and directed to erect upon the land owned by New Castle County, in the City of Wilmington, bounded by Market Street, King Street, Eleventh Street and Tenth Street, an annex to the New Castle County Court House, which said annex may be connected to the said New Castle County Court House or may be built separate therefrom; said annex shall be of fire proof construction, and shall contain a court room or rooms and such other rooms and offices as may be necessary for the use of the court and officers and such county officers as the Levy Court may by resolution designate. The work and materials for said annex shall be furnished by contract or contracts; and it shall be the duty of the said Levy Court to advertise for proposals and to let the same to the lowest and best bidder or bidders, subject to the approval of the said Levy Court who shall have power to reject any and all bids.

Work and  
materials to  
be furnished  
by contract.

Levy Court  
to advertise  
for pro-  
posals.

Levy Court  
to deter-  
mine what  
portions  
shall be oc-  
cupied by  
courts and  
county of-  
fices.

Shall be  
recorded.

Section 2. That when the said annex shall be erected, completed and ready for use, the said Levy Court shall make and certify an allotment of the portions of said building to be used and occupied by the courts and for the several offices and uses designated in the first section of this act, and such certificates shall be recorded in the Recorder's Office for said County, and shall be conclusive as to the matters therein contained.

## OF THE LEVY COURT.

Section 3. Upon the recording of said certificates, the Levy Court shall have power to cause to be removed such books, papers, records and other property belonging to or in any wise connected with the county offices, as designated in the first section of this act, or with the courts of said county from the present Court House of New Castle County to said annex so erected under authority of this act, whereof public notice shall be immediately given in such manner as said Levy Court shall direct; and from and after such removal, the respective courts now held in the present Court House may be either held in the said annex or in the present Court House as the Judges of said courts may designate; and the public offices as designated by the Levy Court shall be kept in said building, and the said building shall be deemed and taken to be a part of the Court House and seat of justice for New Castle County for all uses and purposes.

Power to remove books, papers, records, etc., to annex.

Courts may be held in present Court House, or in annex, as the Judges shall designate.

Shall be deemed to be a part of the Court House.

Section 4. For the purpose of erecting said building, the said Levy Court is hereby authorized and directed to borrow upon the credit of New Castle County such sum or sums of money as may be necessary, not exceeding in the aggregate One Hundred Thousand Dollars (\$100,000), and for such purpose may issue bonds or certificates of indebtedness, of such denomination, in such form, payable at such time, and bearing such rate of interest, not exceeding four and one-half per centum ( $4\frac{1}{2}\%$ ) as said Levy Court may deem expedient.

Authorized to borrow \$100,000.

May issue bonds.

Rate of interest.

Approved March 28, A. D. 1911.

## OF THE LEVY COURT.

## CHAPTER 27.

## OF THE LEVY COURT.

AN ACT to enable the Levy Court of New Castle County to build a bridge over the Christiana Creek in the place of Third Street Bridge in Wilmington.

*Be it enacted by the Senate and House of Representatives in General Assembly met:*

Authority  
to construct  
a bridge over  
the Chris-  
tiana Creek.

Section 1. That the Levy Court of New Castle County shall have and is hereby granted full power and authority to construct a bridge over the Christiana Creek at Third Street, in the City of Wilmington.

Authority  
given to  
change loca-  
tion of  
bridge.

Section 2. That if it should seem advisable to the Levy Court to change the location of the said bridge from Third Street full authority is hereby given to make such change and to construct the bridge authorized by this Act at any point south of Fifth Street and north of Second Street.

Commis-  
sioners may  
be appointed  
to assess  
damages.

Section 3. That whenever it shall be necessary for the Levy Court aforesaid, for the purpose of building the said bridge, or the approaches thereto, or making the same accessible, to enter in and upon and occupy any lands, the owners of which refuse to permit such entry and occupation, then it shall be lawful for the Superior Court of New Castle County, in term time, or any Judge of the said Court in vacation, upon application of the said Levy Court, and at the cost and charge of the same, to appoint five disinterested men of the said county, who shall go upon the said lands and assess the damages of such owner or owners fairly and impartially, taking into consideration all the benefits to be derived from or in consequence of said bridge to the said owner or owners, and the said commissioners shall certify their finding and award to both parties; whereupon the Levy Court, on paying the damages so assessed, shall become entitled to have, use

## OF THE LEVY COURT.

and enjoy the said lands for the purpose required by them forever. And in case the owner or owners of any land necessary for the purposes of the Levy Court shall be a minor, or non-resident, or for any cause incapable of receiving, or unwilling, or neglecting to receive said damages, the said Levy Court may deposit the amount of the said damages to the credit of said owner or owners in the Farmers' Bank of the State of Delaware, at Wilmington, subject to the order of such owner or owners; whereupon the said Levy Court shall be entitled to have, use and enjoy the said lands and premises required for the purposes aforesaid for or on account of which the damages shall have been so assessed. The expenses of the assessment of said damages shall always be paid by the Levy Court.

In case  
owner of  
land be a  
minor.

Section 4. That the Levy Court of New Castle County be and is hereby authorized and empowered to borrow upon the faith and credit of said County, as hereinafter provided, a sum not exceeding One Hundred and Fifty Thousand Dollars (\$150,000) to be expended in erecting, constructing and completing a bridge over the Christiana Creek, in the place of Third Street Bridge, in Wilmington, and for the purpose of securing the payment of such sum to issue bonds in denominations of one Thousand Dollars each and bearing such rate of interest not exceeding four and one-half per centum per annum as said Levy Court may deem expedient. The interest upon said bonds shall be payable semi-annually in each and every year from the date of issue thereof.

Authorized  
and empow-  
ered to bor-  
row \$150,000.

To issue  
bonds.

Rate of  
interest.

How  
payable.

Section 5. Said bonds shall be divided into ten classes and shall be paid at their face value, as follows:

How bonds  
shall be  
divided.

Class.	Amount.	Year of Maturity.
A. ....	\$15,000.....	1931
B. ....	\$15,000.....	1932
C. ....	\$15,000.....	1933
D. ....	\$15,000.....	1934
E. ....	\$15,000.....	1935
F. ....	\$15,000.....	1936



## OF THE LEVY COURT.

G. ....	\$15,000.....	1937
H. ....	\$15,000.....	1938
I. ....	\$15,000.....	1939
J. ....	\$15,000.....	1940

Provision  
for re-  
demption.

Said bonds may at the option of the Levy Court contain a provision for the redemption thereof by the Levy Court at any time after the expiration of five years from the date thereof at a premium not exceeding five per centum.

How pre-  
pared and  
signed.

Section 6. Said bonds shall be prepared under the supervision of the Levy Court Commissioners and shall be signed by the County Treasurer, the President of the Levy Court and the Clerk of the Peace of New Castle County, and shall be under the seal used by the Levy Court of New Castle County. It shall be the duty of such officers to execute said bonds when directed by the Levy Court to do so, and it shall be the duty of the County Treasurer and the Levy Court to keep a record of said bonds.

Duty of  
officers.

Record to  
be kept.

How sold.

Section 7. Said bonds or any part thereof may be sold when and as the Levy Court shall by resolution determine and until sold shall remain in the custody of the County Treasurer. Whenever in the judgment of the Levy Court it shall be deemed advisable that any part or all of said bonds shall be sold, said Levy Court Commissioners may sell and dispose of the same on the most advantageous terms possible after having advertised the same in the public press at least once each week for at least two weeks. No commission or other compensation shall be charged or paid to any member of the Levy Court for affecting the sale or negotiation of said bonds.

No commis-  
sion or com-  
pensation  
shall be  
charged.

Payable at  
the Farm-  
ers' Bank.

Section 8. Said bonds, principal and interest, shall be payable at the Farmers' Bank at Wilmington, Delaware, in gold coin of the United States of America, equal in weight and fineness to the present standard, out of the money from time to time appropriated for that purpose by the Levy Court of New Castle County as hereinafter provided; and

## OF THE LEVY COURT.

the said Levy Court is hereby authorized and directed to pay the interest on said bonds to the Farmers' Bank when and as the same shall become due, and pay said bonds when and as the respective classes mature in accordance with the foregoing schedule. The said Levy Court in fixing the rate of taxation shall annually, until the first installment of said bonds shall become due and payable, provide for a sum equal to the amount of interest due each year upon said bonds, and as and when said bonds shall become due and payable, shall in like manner provide for a sum equal to the amount of such bonds in addition to the amount necessary to pay the interest upon the unpaid bonds as before provided, which shall, when collected and paid to the County Treasurer be set apart by him in a separate account to be opened for that purpose; and the said County Treasurer shall apply the said sum annually to the payment of such part of said loan and interest thereon as may from time to time become due under the provisions of this act.

Levy Court shall provide for payment of interest, etc.

Section 9. All of said bonds shall bear the same date and shall be numbered from 1 to 150 inclusive. All money received from the sale of any or all of said bonds, after the payment of the charges and expenses connected with the preparation and sale thereof, shall be deposited by the County Treasurer in the Farmers' Bank at Wilmington to the credit of the Levy Court of New Castle County in a separate account, and payments thereof shall be made in the same manner as other payments by said Levy Court; provided that no part of the money thus obtained, except as in this section provided, shall be used for any other purpose than for the erecting, constructing and completion\* of a bridge over the Christiana Creek in Wilmington to take the place of Third Street Bridge; and provided further that the purchasers or holders of said bonds shall not be bound to see to or to be affected by the application of said money realized from the sale of said bonds.

Date and number of bonds.

Money to be deposited by County Treasurer.

Money not to be used for any other purpose.

## OF THE LEVY COURT.

Form of  
Bond.

Section 10. The bonds to be issued shall be in the following form:

UNITED STATES OF AMERICA  
STATE OF DELAWARE.

Class	Number
NEW CASTLE COUNTY BRIDGE IMPROVEMENT BOND.	
\$1000.00	\$1000.00

New Castle County in the State of Delaware, for value received hereby acknowledges its indebtedness and promises to pay to the holder of this bond at the Farmers' Bank at Wilmington on the                      day of                      A. D. 19   , the sum of One Thousand Dollars with interest thereon at the rate of                      per centum per annum, payable semi-annually on the                      day of                      and in each year. This bond is one of the authorized issue of one hundred and fifty bonds aggregating One Hundred and Fifty Thousand Dollars, by virtue and in strict compliance with an act of the General Assembly of the State of Delaware approved A. D. 1911, entitled "An Act to Enable the Levy Court of New Castle County to Build a Bridge over the Christiana Creek in the place of Third Street Bridge in Wilmington," and in pursuance of a resolution of the Levy Court of New Castle County, adopted                      A. D. 191   .

Faith and  
credit of the  
county  
pledged.

It is hereby certified that this bond is one of the issue authorized by the above recited act of the General Assembly, and that the faith and credit of said New Castle County are pledged for the punctual payment of the principal and interest of this bond according to the terms.

IN WITNESS WHEREOF, the County Treasurer, President of the Levy Court and the Clerk of the Peace of New Castle County, have hereunto set their hands and seal of the Levy Court of New Castle County, at the City of Wil-

OF THE LEVY COURT.

mington in Delaware, this                      day of  
A. D. 1911 .

.....,  
*County \*of Treasurer of New Castle County.*

.....,  
*President of the Levy Court of New Castle County.*

.....,  
*Clerk of the Peace of New Castle County.*

Section 11. Said bonds shall contain such provisions in addition to those set forth in Section 10 of this act and not inconsistent with the requirements of this act, as said Levy Court shall determine.

Approved April 19, A. D. 1911.

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\*So enrolled

## OF THE LEVY COURT.

## CHAPTER 28.

## OF THE LEVY COURT.

AN ACT authorizing the Levy Court of New Castle County to appoint Police for Brandywine and Christiana Hundreds.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Authorized  
to appoint  
certain  
police.

Time of ap-  
pointment,  
and term of  
office.

Place of  
residence.

One from  
each po-  
litical  
party.

Removal of  
residence  
will vacate  
office.

Powers  
conferred.

Duties of  
the police  
officers.

Section 1. The Levy Court of New Castle County is hereby authorized and directed to appoint two Police for Brandywine Hundred, New Castle County, and two Police for Christiana Hundred, New Castle County. They shall be appointed not later than the fifteen day of May, A. D. 1911, and shall hold office during the pleasure of the Levy Court. All Police appointed under the provisions of this Act must reside in the respective Hundreds for which they are appointed, and must have resided there at least one year immediately preceding their appointment. One of said Police shall be appointed from one of the chief political parties and one from the other chief political party. If any person appointed by virtue of this Act shall remove from the place where it is required by law to reside, his office shall thereupon become vacant.

Section 2. Such officers shall have all the Police powers that are now conferred by law upon Constables in New Castle County, and it shall be the duty of all Police appointed under the provisions of this Act to take care that the peace of the State within the aforesaid Hundreds be duly kept according to his power; to arrest all persons who shall in his presence commit any riot, affray, or other breach of the peace, or who shall be riotously assembled, and carry them before a Justice of the Peace in the respective Hundreds aforesaid to be dealt with according to law; to use diligence in arresting

## OF THE LEVY COURT.

murderers, thieves and other felons, and in case of resistance to his lawful authority, or other case of necessity, he may command aid of any of the people of this State; to truly prevent all bloodsheds, affrays and breaches of the peace; and to execute all other duties in accordance with law. Such Police shall patrol their respective Hundreds at such times, under such conditions and in such manner as may be prescribed by the Levy Court of New Castle County.

Shall patrol  
their respec-  
tive Hun-  
dreds.

Section 3. The Police appointed shall be subject to such rules and regulations as the Levy Court of New Castle County may prescribe, and their compensation shall be fixed by said Levy Court. The Levy Court of New Castle County is hereby authorized to expend such sums of money as may be necessary to carry into effect the provisions of this Act, said money to be paid out of the general fund.

Subject to  
rules and  
regulations  
of Levy  
Court.

Levy Court  
to expend  
necessary  
sums of  
money.

Approved March 14, A. D. 1911.

## OF THE LEVY COURT.

## CHAPTER 29.

## OF THE LEVY COURT.

AN ACT authorizing the Levy Court of Kent County to fund a portion of its present indebtedness.

Preamble.

Whereas a portion of the indebtedness of Kent County consists of Thirty-four Certificates of Indebtedness issued by the Levy Court of said County, aggregating the sum of Thirty-four Thousand Dollars, which Certificates of Indebtedness are now owned and held by the Farmers' Bank of the State of Delaware, at Dover,

Preamble.

And Whereas the said Levy Court is desirous of funding the aforesaid portion of its indebtedness by the issuance of bonds therefor; now therefore,

*Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met, (two-thirds of each branch of the said General Assembly concurring therein) :*

Authorized  
to issue  
bonds.

Section 1. That the Levy Court of Kent County be and is hereby authorized and directed to issue thirty-four bonds of the denomination of One Thousand Dollars, each in exchange for and in substitution of the Certificates of Indebtedness of Kent County, aggregating the sum of Thirty-four Thousand Dollars, now owned and held by the Farmers' Bank of the State of Delaware, at Dover.

Date of  
bonds.

How  
numbered.

Rate of  
interest.

Principal  
payable  
when.

Section 2. The said bonds shall bear date as of the date of their issue; they shall be numbered consecutively from one to thirty-four inclusive; they shall bear interest at the rate of four per centum per annum from their date; and the principal of said bonds shall be payable on the first day of July, A. D. nineteen hundred and eleven.

## OF THE LEVY COURT.

Section 3. The said Levy Court shall direct and effect the preparation of said bonds as soon as conveniently may be done after the approval of this Act. The said bonds shall be signed by the Country Treasurer of Kent County, by the President of the said Levy Court and the Clerk of the Peace of Kent County and shall be under the seal used by the Levy Court of Kent County. It shall be the duty of said officers to execute said bonds when directed by the Levy Court to do so.

Preparation  
of bonds.How signed  
and sealed.Levy Court  
to direct  
execution of  
bonds.

Section 4. As soon as said bonds have been prepared and executed, they shall be tendered by the President of the said Levy Court to the Farmers' Bank of the State of Delaware, at Dover, in exchange for Thirty-four Thousand Dollars worth of the Certificates of Indebtedness of Kent County, owned and held by said Bank, and upon the delivery up of said Certificates of Indebtedness by said Bank, the said President of the Levy Court shall deliver the said bonds to said Bank in exchange for and in substitution of the Certificates of Indebtedness so delivered up as aforesaid. The said Certificates of Indebtedness when delivered up by the Bank as aforesaid, shall be cancelled in such manner as the Levy Court shall direct.

Shall be  
tendered to  
the Farmers'  
Bank in ex-  
change for  
certificates.Certificates  
when deliv-  
ered shall be  
cancelled.

Section 5. The said bonds, principal and interest shall be payable at the Farmers' Bank, at Dover, in gold coin of the United States of America, equal in weight and fineness to the present standard, out of money appropriated for the purpose by the Levy Court of Kent County; and the said Levy Court is hereby authorized and directed to pay the interest on said bonds and to pay the principal thereof when and as the same shall fall due. The said Levy Court is hereby authorized and directed to make provision by the levying of an additional tax, if necessary, for the payment of said bonds, both principal and interest.

Payable at  
the Farmers'  
Bank.Directed to  
pay interest  
and prin-  
cipal.Authorized  
to levy ad-  
ditional tax.

Section 6. The bonds to be issued shall be in the following form, to wit:



## OF THE LEVY COURT.

Form of  
bond.UNITED STATES OF AMERICA  
STATE OF DELAWARE.

Number.....

## \* KENT COUNTY BONDS.

\$1000.00

\$1000.00

Kent County in the State of Delaware, for value received hereby acknowledges its indebtedness and promises to pay to the holder of this Bond at the Farmers' Bank, at Dover, on the first day of July, A. D. 1911, the sum of One Thousand Dollars, with interest thereon at the rate of four percentum per annum from the date of this Bond. This Bond is one of the authorized issue of Thirty-four Thousand Dollars by virtue of and in strict compliance with an act of the General Assembly of the State of Delaware, approved

A. D. 19 , entitled "An Act authorizing the Levy Court of Kent County to fund a portion of its present indebtedness," and in pursuance of a Resolution of the Levy Court of Kent County adopted A. D. 1911.

It is hereby certified that this Bond is one of the issue authorized by the above recited Act of the General Assembly and that the faith and credit of said Kent County are pledged for the punctual payment of the principal and interest of this Bond according to its terms.

IN WITNESS WHEREOF the County Treasurer, President of the Levy Court and Clerk of the Peace of Kent County have hereunto set their hands and the seal used by the Levy Court of Kent County at the Town of Dover, in the State of Delaware, this                      day of                      A. D. nineteen hundred and eleven.

May contain  
additional  
provisions.

Section 7. Said bonds shall contain such provisions in addition to those set forth in Section 6 of this Act and not inconsistent with the requirements of this Act as said Levy Court shall determine.

OF THE LEVY COURT.

Section 8. The faith and credit of Kent County in the State of Delaware are hereby pledged for the full and punctual payment of the principal and interest of the said bonds by this Act authorized to be issued. The said bonds shall be exempt from taxation for any purpose whatsoever.

Faith and  
credit of  
Kent County  
pledged.

Exempt from  
taxation.

Approved March 28, A. D. 1911.

## OF THE LEVY COURT.

## CHAPTER 30.

## OF THE LEVY COURT.

AN ACT to authorize and require the Levy Court of Kent County to borrow money for the erection of a bridge over a branch of Duck Creek in Duck Creek Hundred.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Authorized to borrow money for the erection of a bridge over Duck Creek.

Where to be erected.

Plans and specifications to be prepared by a competent engineer.

Authorized to issue bonds.

Rate of interest.

Arranged as to time of payment.

Shall not be due and payable until after five years.

Section 1. That the Levy Court of Kent County be and is hereby authorized, empowered and required to borrow, on the faith and credit of said county, a sum not exceeding ten thousand dollars and not less than five thousand dollars, which said sum shall be used for the purpose of erecting a bridge for the use of the public over the branch of Duck Creek, originally known as Old Duck Creek, in Duck Creek Hundred, at or near the place where the line of the road leading from Woodland Beach to the Bay View Road crosses said branch of Duck Creek. The said bridge shall be erected and constructed according to plans and specifications prepared by a competent engineer, to be selected by the Levy Court, and shall be a permanent and substantial structure, suitable for the use of all vehicles ordinarily using the county roads.

Section 2. For the purpose of securing the payment of such sum so borrowed, the Levy Court of Kent County is hereby authorized and directed to issue bonds of such denominations and bearing such rate of interest, not exceeding five per centum per annum, as the said Levy Court may deem expedient, and to be so arranged as to time of payment that the sum of five hundred dollars of the principal sum so borrowed shall become due and payable in each and every year until the whole is paid; provided, that no part of said principal sum shall become due and payable until the expiration of five years from the date of the issue of said bonds.

## OF THE LEVY COURT.

The interest upon said bonds shall be payable semi-annually in each and every year from the date of the issue thereof, and the said bonds shall be in such form as the Levy Court of Kent County shall fix and determine, and shall each be signed by the County Treasurer, the President of the Levy Court and the Clerk of the Peace of Kent County, on behalf of the said County, and shall have the seal of the said Levy Court affixed thereto.

Interest payable semi-annually.

Form of bonds.

How signed and sealed.

Section 3. The said Levy Court, in fixing the rate of taxation, shall annually, until the first instalment of said bonds shall become due and payable, provide for a sum equal to the amount of interest due each year upon said bonds, and as and when said bonds shall become due and payable, shall in like manner provide for a sum equal to the amount of such bonds in addition to the amount necessary to pay the interest on the unpaid bonds as before provided, which shall, when collected and paid to the County Treasurer, be set apart by him in a separate account, and the said County Treasurer shall apply the said sum annually to the payment of such part of said loan and the interest thereon as may from time to time become due.

Levy Court shall make provision for interest.

Shall make provision for payment of loan.

Approved March 28, A. D. 1911.

## OF THE LEVY COURT.

## CHAPTER 31.

## OF THE LEVY COURT.

AN ACT authorizing the Levy Court of Kent County to pay certain money to the Board of Revision of Assessments of said County.

Preamble. Whereas the assessment of real and personal property in Kent County, and State of Delaware, is inequitable, unfair and therefore unjust, and

Preamble. Whereas it is desirable that the assessors of the ten respective representative districts, together with the members of the Board of Revision of Assessments for said districts, meet with the Levy Court of Kent County at Dover for the purpose of adjusting said assessments so as to place the same upon a fair and equitable basis.

*Now therefore be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Authorized  
to pay to  
Board of Re-  
vision of As-  
sessments a  
compensa-  
tion.

Section 1. The Levy Court of Kent County be and it is hereby authorized to pay to the Board of Revision of Assessments for said County, appointed for the year A. D. 1911, a compensation of three dollars per day and mileage for such number of days as in the judgment of said Levy Court may be necessary to adjust the assessments of real and personal property in said Kent County, so that such assessments will be upon a fair and equitable basis.

Approved March 28, A. D. 1911.

## OF THE LEVY COURT.

## CHAPTER 32.

## OF THE LEVY COURT.

AN ACT authorizing and directing the Levy Court of Sussex County to borrow on the credit of the County certain sum of money not exceeding eight thousand dollars in order to provide for the improvement and repair of the Sussex County Court House.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Section 1. That the Levy Court of Sussex County is hereby authorized and empowered to borrow, on the credit of said County, a sum not exceeding eight thousand dollars, and for that purpose shall issue bonds of such denominations as said Levy Court shall deem expedient, and to be so arranged as to time of payment that the sum of five hundred dollars of the principal sum so borrowed shall become due and payable in each and every year until the whole is paid. Such bonds shall bear date the first day of July, A. D. 1911. They shall bear interest at a rate not exceeding four per centum per annum, payable semi-annually on the first day of January and July in each year. The principal of said bonds shall be payable in sixteen years from the date of the issue thereof, the said Levy Court reserving the power and authority of redeeming said bonds, or any part thereof, at the expiration of five years from the date of issue of the same, at par and interest to date of redemption, provided that if the said Levy Court shall elect to redeem any of said bonds at the expiration of five years from the issue thereof, such election shall be effected on the first day of January and July, and in pursuance to a notice published in one or more of the newspapers in the town of Georgetown in at least two issues thereof. In calling said bonds for redemption and payment, they shall be called consecutively, commencing with the lowest number, the interest on such bonds so called shall cease from

Authorized to borrow sum not exceeding \$8,000.

Shall issue bonds.

How payable.

Date of bonds.

Rate of interest.

When payable.

Principal payable in sixteen years.

Power of redemption after five years.

Proviso.

Notice.

Bonds shall be called how.

## OF THE LEVY COURT.

May redeem  
at any time.

the date of the redemption thereof. If at any time after the issue of said bonds and before they are payable or called in, any holder or holders of any such bond or bonds shall offer the same for redemption, the said Levy Court, if it deems it expedient, may redeem or pay the bond or bonds so offered and cancel the same, the interest thereon ceasing from the date of such redemption.

How signed.

Seal of Levy  
Court to be  
affixed.

Signature  
of the  
County  
Treasurer.

The said bonds shall each be signed by the County Treasurer, President of the Levy Court and Clerk of the Peace, on behalf of the County, and shall have the seal of the Levy Court affixed thereto. The signature of the County Treasurer shall be engraved or printed on each coupon or interest warrant, and the coupon or interest warrant to each bond shall be numbered consecutively from one to thirty-two respectively.

Clerk of the  
Peace to  
keep a  
record.

Clerk of the  
Peace shall  
note pay-  
ment of  
bonds or  
coupons  
upon record.

The said Clerk of the peace shall, in a book to be provided by him for that purpose, make an accurate record, showing each series of said bonds, with their numbers and denominations respectively. Whenever any such bonds shall have been paid by said County Treasurer, or any such coupons shall have been paid and surrendered to him on maturity, he shall immediately file the same in the office of the Clerk of the Peace, who shall note the same upon the record of the bonds and coupons so paid and matured and shall give to the said County Treasurer a receipt therefor, stating the series, number, date and denomination of such bonds and coupons, which receipt shall constitute a good and sufficient voucher for the County Treasurer for the sums therein stated.

Ebe W. Tunnell, Philip L. Cannon, Joseph L. Cahall appointed a Commission.

Section 2. That Ebe W. Tunnell, Philip L. Cannon and Joseph L. Cahall be and they are hereby appointed a Commission to determine upon and make such additions and repairs to the Sussex County Court House as said Commission shall deem proper, and the money realized from the sale of the aforesaid bonds shall be delivered to the said County Treasurer of Sussex County, to be by him applied to the pay-

## OF THE LEVY COURT.

ment of the cost of making such additions and repairs as shall be determined by the said Commission, and the failure of such County Treasurer to discharge his duty under the provisions of this Act shall be a breach of his official bond, and he and his sureties shall be responsible thereon to the said County.

County  
Treasurer  
and his  
sureties  
liable for  
failure.

This loan shall be known as "Sussex County Court House Loan," and each bond shall bear upon its face the words "Sussex County Court House Loan."

Name of  
loan.

Section 3. That the said Levy Court, in fixing the rate of taxation, shall annually provide for a sum equal to the amount of the interest due each year upon said bonds, and in like manner provide for a sum equal to the amount of such bonds due each year, or which may be called at the termination of five years as above described, in addition to the amount necesasry to pay the interest on the bonds of this issue then outstanding, which, when collected and paid to said County Treasurer, shall be set apart by him in a separate account to be opened for that purpose and designated as the "Sussex County Court House Loan" account for the year . . . . ., and the County Treasurer shall apply the said sum annually to the payment of such part of said loan and the interest thereon as may from time to time become due under the provisions of Section 1 of this Act.

Levy Court  
to provide  
annually  
for a sum  
equal to the  
interest due  
each year.

To provide  
for sum  
equal to  
amount of  
bonds due  
each year,  
or which  
may be  
called.

Section 4. This shall be deemed and taken to be a public Act.

Approved April 13, A. D. 1911.



## OF THE CLERK OF THE PEACE.

## CHAPTER 33.

## OF THE CLERK OF THE PEACE.

AN ACT fixing fees for the Clerks of the Peace for issuing licenses.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Fee of fifty  
cents shall  
be paid.

Section 1. For dispensing any license by the Clerks of the Peace of this State, the sum of fifty cents, but no more, for the use of the County, shall be paid by the party applying for the same in addition to the taxes to the State.

This Act shall be deemed and taken to be a public Act.

Approved March 29, A. D. 1911.

OF ASSESSORS.

CHAPTER 34.

OF ASSESSORS.

AN ACT relating to the Assessment of Personal Property in New Castle County.

*Be it enacted by the Senate and House of Representatives in General Assembly met:*

Section 1. That from and after the approval of this act, the Levy Court of New Castle County shall have authority during the month of April of each year to change, alter or adjust the assessment upon any personal property within New Castle County, upon proper proof being furnished to them that said personal property is improperly assessed, or that the ownership of said personal property has changed since it was assessed.

Levy Court authorized to change, alter and adjust assessment upon personal property.

Approved March 28, A. D. 1911.

## OF ASSESSORS.

## CHAPTER 35.

## OF ASSESSORS.

AN ACT relating to the Assessment of Personal Property in Kent County.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Shall pay  
tax levied  
and assessed  
for a period  
of four  
years unless  
it is shown  
to Levy  
Court it has  
been sold  
and assessed  
to another.

Section 1. That from and after the passage of this Act, whenever any personal property is assessed against any person, firm, association or corporation said person, firm, association or corporation shall pay whatsoever tax is so levied and assessed for the period of four years, unless the person, firm, association or corporation shall appear before the Levy Court of Kent County and shall satisfy the said Levy Court that such personal property has been sold and assessed to the purchaser or purchasers thereof. In case said person, firm, association or corporation does not appear before said Levy Court and said personal property is not assessed to the said purchaser or purchasers thereof then such assessment as has been made shall be deemed and considered the assessment, and the person, firm, association or corporation shall pay said tax until the said personal property is assessed to the owner or owners thereof.

Levy Court  
required to  
meet every  
year for the  
purpose of  
making  
transfers.

Section 2. That for the purpose of this Act the Levy Court of Kent County is hereby required to meet on the second Tuesday in March in each and every year after the passage of this Act for the purpose of making whatsoever transfers of personal property owned by any person, firm, association or corporation as in its judgment it may deem wise and proper.

Shall adver-  
tise prior to  
sitting.

Section 3. That the said Levy Court of Kent County shall in two issues prior to the second Tuesday in March, advertise in at least two newspapers published in Kent County,

OF ASSESSORS.

that it will sit on said second Tuesday in March for the purpose of making transfers of assessment of personal property as provided for in Section 2 of this Act.

Approved March 28, A. D. 1911.

## OF ASSESSORS.

## CHAPTER 36.

## OF ASSESSORS.

AN ACT extending the time for the return of assessments in Kent County.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

When assessments may be returned.

Section 1. That all County assessments made in Kent County for the year A. D. 1911, may be returned to the Levy Court of said Kent County on or before the first Thursday in April, A. D. 1911, and said assessments when so returned, shall be considered the assessments for said County as though such assessments had been made and returned as now by law required.

Levy Court to sit as a Court of Appeal.

Section 2. The said Levy Court of said Kent County shall sit as a Court of Appeal on such day or days as it may designate up to and including the said first Thursday in April, and shall as said Court of Appeal have all the authority and be subject to all the duties now applicable to said Levy Court and Court of Appeal.

Approved April 4, A. D. 1911.

OF VALUATION OF PROPERTY.

CHAPTER 37.

OF VALUATION OF PROPERTY.

AN ACT exempting from taxation soldiers rest rooms.

Whereas, in opinion of the General Assembly it will best promote the public welfare to exempt from taxation soldiers rest rooms in the State of Delaware, Now, therefore,

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Section 1. That property located in the State of Delaware used for soldiers rest rooms, be and the same is hereby exempted from payment of any taxes whatsoever, so long as said property shall be used for such purpose.

Exempted  
from pay-  
ment of  
taxes.

Approved April 13, A. D. 1911.

## OF COLLECTORS.

## CHAPTER 38.

## OF COLLECTORS.

AN ACT to amend Chapter 388, Volume 20, Laws of Delaware, entitled, "An Act in Relation to the Collection of Taxes for New Castle County."

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Chap. 388,  
Vol. 20,  
amended.

Section 1. That Chapter 388, Volume 20, Laws of Delaware, entitled, "An Act in Relation to the Collection of Taxes for New Castle County" be and the same is hereby amended by striking out all of Section 29 thereof, and inserting in lieu thereof the following:

Collector  
may recover  
in an action  
of debt.

"Section 29. The Collector of any tax or taxes may recover the amount thereof in an action of debt before any Justice of the Peace of New Castle County against the person to whom the land is assessed, or in case the land is owned by any person to whom it is not assessed, then against the owner or owners of said land, provided that if personal service be had upon any one of several owners of land upon which taxes are so assessed service need not be had upon the other owner or owners of said land if a copy of the writ is left with the tenant in possession or posted upon the premises six days before the return of the process; provided the amount of taxes due thereon be not more than Two Hundred Dollars (\$200); and where the amount of taxes is more than Two Hundred Dollars (\$200), in the Superior Court of New Castle County, it shall be sufficient to set forth that the action is to recover a specified sum of money, being a tax assessment against the land owned by the defendant, together with such a description of the land as will be sufficient to identify the same, and the year for which said taxes were assessed. The right of appeal shall be the same as in other civil actions. In case any defendant is a nonresident, pro-

Service  
upon one of  
the owners  
sufficient.

Copy of writ  
to be left  
with tenant  
in possession,  
or  
posted on  
the premises.

Where the  
amount of  
tax is more  
than \$200.

Right of  
appeal.

## OF COLLECTORS.

ceedings may be had in the Superior Court for New Castle County by attachment; that said writ of attachment shall be framed, directed, executed and returned and like proceedings had as in other cases of attachment in this State except that the said collector shall only be required to make and file with the Prothonotary an affidavit stating that the defendant resides out of the State and that he is justly indebted for taxes in the sum of                      Dollars.

Proceedings  
may be had  
by attach-  
ment.

Section 2. That Section 30 of said Chapter 388 be and the same is hereby amended by adding to the end of said Section the following :

Sec. 30,  
Chap. 388  
amended.

“A Judgment for taxes entered in the Superior Court within two years of the date of the collector’s duplicate shall be a prior lien upon the lands upon which said taxes were assessed and shall be preferred to any and all liens of record entered or recovered against said land, although such liens of record shall have been entered or recovered before said judgment for taxes was entered; provided, however, that such judgment shall not be a general lien against the property of the defendant unless personal service be had upon him.”

Shall be a  
prior lien.

Proviso.

Approved March 7, A. D. 1911.



## OF COLLECTORS.

## CHAPTER 39.

## OF COLLECTORS.

AN ACT in relation to the collection of taxes in Kent County giving to the collectors thereof additional power therefor.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Collector may recover in an action of debt before a Justice of the Peace.

Upon whom service may be had. How.

Not more than \$200.

In Superior Court when more than \$200.

What shall be set forth in the action.

Appeal.

When defendant is a non-resident.

How attachment shall be framed and executed.

Section 1. That any collector of County Taxes in and for Kent County may recover the amount of such taxes as he is by law authorized to collect in an action of debt before any Justice of the Peace of Kent County against the person to whom the land is assessed, or in case the land is owned by any person to whom it is not assessed, then against the owner or owners of said land, provided that if personal service be had upon any one of several owners of land upon which taxes are so assessed, service need not be had upon the other owner or owners of said land if a copy of the writ is left with the tenant in possession or posted upon the premises six days before the return of the process; provided the amount of taxes due thereon be not more than Two Hundred Dollars (\$200); and where the amount of taxes is more than two hundred dollars (\$200), in the Superior Court of Kent County, and it shall be sufficient to set forth that the action is to recover a specified sum of money, being a tax assessed against the land owned by the defendant in whole or in part, together with such a description of the land as will be sufficient to identify the same and the time of assessing said tax. The right of appeal shall be the same as in other civil actions. In case any defendant is a nonresident, proceedings may be had in the Superior Court for Kent County by attachment; that said writ of attachment shall be framed, directed, executed and returned and like proceedings had as in other cases of attachment in this State except that the said Collector shall only be required to make and file with the Prothono-

## OF COLLECTORS.

tary an affidavit stating that the defendant resides out of the State and that he is justly indebted for taxes in the sum of Dollars.

Section 2. A judgment for taxes entered in the Superior Court of the State of Delaware in and for Kent County, within two years of the date of the Collector's duplicate shall be a prior lien upon the lands upon which said taxes were assessed and shall be preferred to any and all liens of record entered or recovered against said land, although such liens of record shall have been entered or recovered before said judgment for taxes was entered; provided, however, that such judgment shall not be a personal lien against the defendant unless personal service be had upon him.

Approved March 28, A. D. 1911.

## OF COLLECTORS.

## CHAPTER 40.

## OF COLLECTORS.

AN ACT in relation to the collection of taxes in Sussex County giving to the collectors thereof additional power therefor.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Collector of taxes may recover amount of tax in an action of debt before a Justice of the Peace.

Upon whom service may be had. How.

Not more than \$200.

In the Superior Court where the amount is more than \$200.

What shall be set forth in the action.

Appeal.

In case defendant is a non-resident.

How attachment shall be framed and executed.

Section 1. That any collector of County taxes in and for Sussex County may recover the amount of such taxes as he is by law authorized to collect in an action of debt before any Justice of the Peace of Sussex County against the person to whom the land is assessed, or in case the land is owned by any person to whom it is not assessed, then against the owner or owners of said land, provided that if personal service be had upon any one of several owners of land upon which taxes are so assessed, service need not be had upon the other owner or owners of said land if a copy of the writ is left with the tenant in possession or posted upon the premises six days before the return of the process; provided the amount of taxes due thereon be not more than Two Hundred Dollars (\$200); and where the amount of taxes is more than Two Hundred Dollars (\$200), in the Superior Court of Sussex County, and it shall be sufficient to set forth that the action is to recover a specified sum of money, being a tax assessed against the land owned by the defendant in whole or in part, together with such a description of the land as will be sufficient to identify the same, and the time of assessing said tax. The right of appeal shall be the same as in other civil actions. In case any defendant is a nonresident, proceedings may be had in the Superior Court for Sussex County by attachment; that said writ of attachment shall be framed, directed, executed and returned and like proceedings had as in other cases of attachment in this State except that the said collector shall only be required to make and file

## OF COLLECTORS.

with the Prothonotary an affidavit stating that the defendant resides out of the State and that he is justly indebted for taxes in the sum of                      Dollars.✶

Section 2. A judgment for taxes entered in the Superior Court of the State of Delaware in and for Sussex County, <sup>Judgment shall become a prior lien.</sup> within two years of the date of the collector's duplicate shall be a prior lien upon the lands upon which said taxes were assessed and shall be preferred to any and all liens of record entered or recovered against said land, although such liens of record shall have been entered or recovered before said judgment for taxes was entered; provided, however, that such <sup>Proviso.</sup> judgment shall not be a personal lien against the defendant unless personal service be had upon him.

Approved March 20, A. D. 1911.

# TITLE THIRD

## Of the Public Arms and Defence.

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### CHAPTER 41.

#### OF THE PUBLIC ARMS AND DEFENCE.

AN ACT providing for securing a site and erecting a State Armory and Arsenal.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :*

Armory  
Commission.  
Of whom it  
consists.

Authorized  
to secure  
suitable  
place upon  
which to  
erect a State  
Armory.

Empowered  
to draw war-  
rant for pur-  
chase price.

Shall have  
plans pre-  
pared.

Shall not  
exceed the  
sum of  
\$15,000.

Section 1. The Armory Commission, consisting of the Governor, the State Treasurer, the Adjutant General, Quartermaster General, and the commanding officer of troops, be, and it is hereby authorized and directed to secure by gift or purchase, a lot of ground at some suitable place within the State of Delaware, to be selected by said Armory Commission, upon which to erect a State Armory and Arsenal, and that when such ground is secured the title to same shall be taken in the name of the State of Delaware. Upon the acquirement of a title to a suitable lot of land as above provided, the State Armory Commission is hereby authorized and empowered to draw its warrant on the State Treasurer for the purchase price of such land, and after title has been properly vested in the State of Delaware, the State Armory Commission shall have plans prepared for a suitable Armory and Arsenal to be erected thereon. The cost of the Armory and Arsenal, and the site upon which same is to be erected, and all equipment, including plumbing, lighting, heating and lockers, shall not exceed the sum of fifteen thousand dol-

## OF THE PUBLIC ARMS AND DEFENCE.

lars, and the said sum of fifteen thousand dollars, or so much thereof as may be necessary to carry into effect the provisions of this Act, is hereby appropriated out of the State Treasury, to be paid by the State Treasurer upon warrant drawn by the Armory Commission.

To be paid  
by State  
Treasurer  
upon war-  
rant.

Section 2. That after the plans have been prepared and accepted, the State Armory Commission shall advertise for bids and shall make an award for the erection of the said building, to the lowest and most responsible bidder, and when the contract is awarded the successful bidder shall enter into such contract as the Armory Commission may require, and give bond for such an amount as the Armory Commission may think necessary for the proper enforcement of the contract. No money shall be paid on account of said buildings until the completion and acceptance by the Armory Commission. When such building is completed and accepted by the Armory Commission, then the Armory Commission shall draw its warrant on the State Treasurer for the amount due such contractor in accordance with his bill and contract aforesaid.

Shall adver-  
tise for bids,  
and make an  
award to  
lowest and  
most re-  
sponsible  
bidder.

Successful  
bidder shall  
enter into  
contract,  
and give  
bond.

No money  
shall be paid  
until com-  
pletion and  
acceptance  
of building.

Commission  
shall draw  
warrant for  
amount due  
the contrac-  
tor.

Section 3. That when such building has been completed and accepted, all Government and State Military properties that the Military authorities of the State may desire, shall be stored in the State Arsenal and the use and occupation of the remainder of the Arsenal or Armory shall be turned over to such State Military organization, or organizations, as may be existing or may hereafter exist, subject to the supervision of the proper Military authorities of the State.

Government  
and State  
Military  
properties  
to be stored.

Use and oc-  
cupation  
turned over  
to State  
Military or-  
ganization.

Approved April 13, A. D. 1911.

# TITLE FOURTH

## Of Elections.

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### CHAPTER 42.

#### GENERAL PROVISIONS.

AN ACT fixing the compensation of Election officers at General and Special Elections held in this State.

*Be it enacted by the Senate and House of Representatives in General Assembly met:*

Compens-  
tion of elec-  
tion officers.

Section 1. From and after the approval of this Act, Judges of Election, Inspectors of Election and Clerks of Election shall each be entitled to receive Five Dollars for each day's service rendered by them in holding any General or Special election in this State and Three Dollars for each day's service rendered by them for duties required of them or any of them on any other day than the day upon which such general or special election is held.

Section 2. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

Approved March 28, A. D. 1911.

## OF THE GENERAL ELECTION.

## CHAPTER 43.

## OF THE GENERAL ELECTION.

AN ACT to further amend Chapter 35, Volume 21, Laws of Delaware being an Act entitled "An Act concerning the appointment of Registration Officers and the preparation and delivery of Registration Books."

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Section 1. That said Chapter 35, Volume 21, Laws of Delaware be and the same is hereby amended first, by inserting in line ten of paragraph III of section one of said Chapter, after the word "Registrar" and before the word "before" the following words, viz: "appointed for an election district outside the City of Wilmington," second, by inserting in line twelve of said paragraph III of said section one of said Chapter after the word "reside" and before the word "the" the following words, viz: "each Registrar, Assistant Registrar and Alternate Registrar appointed for an election district in the City of Wilmington before entering upon the duties of his office, shall take and subscribe before the Department of Elections for the City of Wilmington."

Chap. 35.  
Vol. 21  
amended.

Section 2. That any member of or the Clerk of said Department of Elections for the City of Wilmington, is hereby authorized and empowered to administer such oaths or affirmation; provided that no fee be charged for administering such oaths or affirmations.

Authorized  
to administer  
oaths .

No fee to be  
charged.

Section 3. All acts and parts of acts inconsistent with the provisions of this Act are hereby repealed.

Acts inconsistent  
repealed.

Approved March 20, A. D. 1911.



## OF THE GENERAL ELECTION.

## CHAPTER 44.

## OF THE GENERAL ELECTION.

AN ACT to amend Chapter 35 of Volume 21, Laws of Delaware, being an Act entitled "An Act concerning the appointment of Registration Officers and the preparation and delivery of Registration Books."

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Chap. 35.  
Vol. 21.  
amended.

Section 1. That Chapter 35, Volume 21, Laws of Delaware be and the same is hereby amended by striking out of said Act all of Section 4 thereof and by inserting in lieu thereof a new section to be known as Section 4 of said Act which shall read as follows, viz:

Sheriff to  
deliver Reg-  
istration  
Books pre-  
vious to first  
Saturday in  
July.

"Section 4. The Sheriff of each County shall sometime previous to the first Saturday in the month of July, in the year of holding the General Election, deliver to the Registrar of each election district of his County, two of the books known as "Registers," two of the books known as "Books of Registered Voters," and a book of Registration Certificates hereinbefore provided for; provided however, that the Sheriff of New Castle County shall not deliver said books for the several election districts in the City of Wilmington to the Registrars of each election district in said City, but the Governor shall, previous to the first Saturday in July of every General Election, deliver to the Department of Elections for the City of Wilmington two of the books known as "Registers," two of the books known as "Books of Registered Voters," and a book of Registration Certificates hereinbefore provided for; and provided further, however, that the Department of Elections for the City of Wilmington, shall, within one week before the first day of registration of voters in the year of every General Election deliver to the Registrar of each Election district in the City

Shall not  
deliver books  
in the City  
of Wilming-  
ton.

Governor  
shall deliver  
to the De-  
partment of  
Elections.

Department  
of Elections  
shall one  
week before  
registration  
day deliver  
to the sev-  
eral Regis-  
trars.

## OF THE GENERAL ELECTION.

of Wilmington two of the books known as "Registers," two of the books known as "Books of Registered Voters" and a book of Registration Certificates hereinbefore provided for; all of which said books addressed to the Registrar of each election district of the County, the Governor shall cause to be delivered to the Sheriff in each of the Counties of this State and to the Department of Elections for the City of Wilmington, respectively, on or before the first Tuesday in July in the year of holding the General Election."

Governor shall cause all the books to be delivered to Sheriff and Department of Elections before the first Tuesday in July.

Section 2. All Acts and parts of Acts inconsistent with the provisions of this Act are hereby repealed.

Approved March 20, A. D. 1911.

## OF THE GENERAL ELECTION.

## CHAPTER 45.

## OF THE GENERAL ELECTION.

AN ACT to amend Chapter 36, Volume 21, Laws of Delaware, being an act entitled "An Act providing for a uniform system of Registration of all Qualified Voters in this State."

*Be it enacted by the Senate and House of Representatives in General Assembly met:*

Chap. 36,  
Vol. 21,  
amended.

Section 1. That Chapter 36, Volume 21, Laws of Delaware be and the same is hereby amended by changing the period at the end of Section 2 of said act to a semicolon, and further by adding to the end of said Section 2, the following:

Department  
of Elections  
shall give  
public no-  
tice.

"provided, however, that in the City of Wilmington, the Department of Election for the City of Wilmington, shall at least ten days prior to the first day set for the purpose of Registration as aforesaid, give the public notice by advertisements, posted in ten or more of the most public places in each election district, in the City of Wilmington, of the places where the registration officers shall sit for Registration of voters as aforesaid, and the day or days when they will sit at each of said places."

Sec. 6, Chap.  
36, Vol. 21,  
amended.

Section 2. That Section 6 of said Chapter 36, Volume 21, Laws of Delaware, be amended by changing the period at the end of Paragraph III. of said Section 6 to a semicolon, and further by then adding to the end of said Paragraph III. of said Section 6, the following, viz:

Shall have  
printed lists  
of registered  
voters.

"provided, however, that in the City of Wilmington, the Department of Elections for the City of Wilmington shall within one week after the third sitting of the registration officers as aforesaid, cause to be printed not less than twenty-five copies of the alphabetic lists of registered voters of each election district in the City of Wilmington as contained in

## OF THE GENERAL ELECTION.

"Book of Registered Voters," together with the entries opposite the names in said books, and shall within the said week cause one of said printed copies of each of said lists to be posted in at least ten of the most public places in the election district, and shall use the remaining copies in such a manner as in their judgment will be most likely to secure publicity and general inspection."

Shall be publicly posted.

That Section 6 of said Chapter be further amended by adding at the end of said Section 6 a new paragraph as follows:

Sec. 6,  
further  
amended.

"Five copies of the alphabetical list of Registered voters for each District shall immediately be delivered to the County Committees of each of the two leading political parties, by the persons who caused the same to be printed."

Copies of  
list to be de-  
livered to  
County  
Committees.

Approved March 20, A. D. 1911.

## OF THE GENERAL ELECTION.

## CHAPTER 46.

## OF THE GENERAL ELECTION.

AN ACT to further amend Chapter 36 Volume 21 Laws of Delaware entitled "An Act providing for a uniform system of Registration of all the Qualified Voters in this State."

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Chap. 36.  
Vol. 21.  
further  
amended.

Section 1. That Chapter 36 Volume 21 Laws of Delaware be and the same is hereby further amended by striking out of lines eleven, twelve and thirteen of Section 2 of said Act, the following words, viz: "three successive Saturdays in August beginning with the first Saturday in August" and by inserting in lieu of said words so stricken out, the following words, viz: "the third Saturday in July and the first and second Saturdays in August."

Third Saturday in  
July, etc.

Section 2. That all Acts and parts of Acts inconsistent with the provisions of this Act are hereby repealed.

Approved March 20, A. D. 1911.

OF THE GENERAL ELECTION.

CHAPTER 47.

OF THE GENERAL ELECTION.

AN ACT to further amend Chapter 36, Volume 21, Laws of Delaware, entitled "An Act providing for a uniform system of Registration of all Qualified Voters in this State."

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Section 1. That Chapter 36, Volume 21, Laws of Delaware, entitled "An Act providing for a uniform system of registration of all qualified voters in this State," be hereby amended by striking out of Section 6 of said Act, all of Paragraph II of said Section 6, which said paragraph provides for the giving of a registration certificate to registered voters who may request such certificate.

Chap. 36.  
Vol. 21,  
amended.

Section 2. That hereafter the book of blanks known as "Registration Certificates" shall no longer be prepared and delivered for the registration of voters in this State.

Blanks not  
to be pre-  
pared and  
delivered.

Section 3. That all Acts or parts of Acts in so far as they are inconsistent herewith be hereby repealed.

Approved April 19, A. D. 1911.

## OF THE GENERAL ELECTION.

## CHAPTER 48.

## OF THE GENERAL ELECTION.

AN ACT to amend Chapter 38, Volume 21, Laws of Delaware, being an act entitled "An Act in regard to General Elections."

*Be it enacted by the Senate and House of Representatives in General Assembly met:*

Chap. 38.  
Vol. 21.  
amended.

Section 1. That Chapter 38, Volume 21, Laws of Delaware be and the same is hereby amended by striking out of said act all of Section 3 thereof, and inserting in lieu thereof a new section to be known as Section 3 of said Act, which is as follows, viz:

Sheriff to deliver ballot boxes, list of officers, tape, sealing wax, outside City of Wilmington.

"Section 3. The Sheriff of each county shall after the Twenty-third day and before the Twenty-seventh day of October in the year of holding the General Election deliver to the inspector of each election district or other officer, authorized by law to hold the election therein (outside of the City of Wilmington) two suitable ballot boxes, with a piece of tape and sealing wax, together with a list of all the officers to be chosen at the then next General Election, written or printed forms of tally lists, of certificates of election in said election district, of the oath or affirmation of the inspector or other person authorized by law to hold the election therein, and persons to be taken as Judges of Election, and also of the clerks who shall be chosen to act at such election, and of the certificate of administering such oaths or affirmations, with printed or written directions as to correcting, completing and signing such oath or affirmation and certificate of administering the same, and shall also deliver to each inspector or other officer authorized by law to hold the election as aforesaid (outside of the City of Wilmington) a book of

Oaths.

Outside the City of Wilmington.

## OF THE GENERAL ELECTION.

blank forms of oaths (or affirmations) provided for in Section 19 of this Act.

That the Department of Elections for the City of Wilmington shall in addition to the registers and things they are now required by law to furnish to the inspectors of election in said City shall between the Twenty-third and Twenty-seventh days of October in the year of holding the General Election deliver to the inspector of each election district or other officer authorized by law to hold the election therein, in the City of Wilmington, two suitable ballot boxes with a piece of tape and sealing wax together with a list of all the officers to be chosen at the then next General Election, written or printed forms of tally lists, of certificates of election in said election district, of the oath or affirmation of the inspector or other person authorized by law to hold the election therein, and the persons to be taken as Judges of Election, and also of the Clerks who shall be chosen to act at such election, and of the certificate of administering such oaths or affirmations with printed or written directions as to correcting, completing and signing such oath or affirmation, and certificate of administering the same, and shall also deliver to each inspector or other officer authorized by law to hold the election as aforesaid, in the City of Wilmington, a book of blank forms of oaths (or affirmations) provided for in Section 19 of this Act." Department of Elections, ballot boxes, list of officers, etc. Oaths.

Section 2. That Chapter 38, Volume 21, Laws of Delaware be further amended by inserting in the third line of Section 8 thereof after the word "Sheriff" and before the word "a" the following: "or Department of Election for the City of Wilmington."

Approved April 4, A. D. 1911.



## OF THE GENERAL ELECTION.

## CHAPTER 49.

## OF THE GENERAL ELECTION.

AN ACT to amend Chapter 396, Volume 20, Laws of Delaware, entitled, "An Act to further provide for the secrecy and \*purity of the ballot."

*Be it enacted by the Senate and House of Representatives in General Assembly met:*

Sec. 3, Chap.  
396, Vol. 20,  
amended.

Section 1. That Section 3, of Chapter 396, Volume 20, Laws of Delaware, entitled "An Act to Further Provide for the Secrecy and \*Purity of the Ballot" be and the same is hereby amended by striking out all of said section after the word "year" in the thirteenth line thereof, and inserting in lieu thereof, the following: "such challenger shall be appointed by the respective county committees of the two leading political parties."

Challengers  
appointed by  
County Com-  
mittees.

Approved April 13, A. D. 1911.

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\*So enrolled

## OF THE GENERAL ELECTION.

## CHAPTER 50.

## OF THE GENERAL ELECTION.

AN ACT changing the boundaries of the First and Second Election Districts of the Seventh Representative District in New Castle County.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Section 1. That all that portion of the Seventh Representative District in New Castle County lying South of a line beginning on the Easterly side of Red Clay Creek at the intersection of the line dividing the land owned by G. M. D. Lynam and that owned or lately owned by Richard Rothwell, and extending Easterly along the line from said point to the lane leading from the property now or lately owned by Richard Rothwell; thence Northerly along said lane to its intersection with the Black Road; thence along center of said Black Road in an Easterly direction to the intersection of said road with the Newport and Gap Turnpike; thence in a Northerly direction from the Newport and Gap Turnpike along the center of the road leading from Newport to Prices Corner to a point where the Baltimore & Ohio Railroad crosses said road; thence along the said Baltimore & Ohio Railroad in an Easterly direction to a point where the said Baltimore & Ohio Railroad crosses Mill Creek; thence along said Mill Creek in an Easterly direction to its intersection with Silver Brook; thence Northerly along the center of Silver Brook in its various courses to a point in the division line between the Estate of Dr. J. P. Stidham and the Northerly side of the Right of Way of the old Delaware & Western Railroad; thence Easterly along the said division line between the Estate of Dr. J. P. Stidham and the Northerly side of the said Right of Way to a point in the Easterly side of an old lane leading from the Newport Pike to the Estate of Dr. J. P. Stidham and being also the division line be-

Boundaries  
of First  
Election  
District of  
the Seventh  
Representa-  
tive District.

## OF THE GENERAL ELECTION.

tween the Estates of Dr. J. P. Stidham and A. C. Cleland; thence North North-westerly along the said Easterly side of the said lane and division line between the Estates of Dr. J. P. Stidham and A. C. Cleland to a corner; thence still along the said Easterly side of said lane and division between the Estates of Dr. J. P. Stidham and A. C. Cleland Northerly to a corner; thence North-easterly along still another division line between the Estates of Dr. J. P. Stidham and A. C. Cleland to a point on the line of the City of Wilmington. Shall be and the same is hereby created the First Election District of the Seventh Representative District in New Castle County

Voting place. with the voting place at Red Men's Hall in the town of Newport.

Second Election District of the Seventh Representative District.

Section 2. That all that portion of the Seventh Representative District in New Castle County lying North of that line described in Section One of this Act and South of the Wilmington and Lancaster Turnpike shall be and the same is hereby known as the Second Election District of the Seventh Representative District in New Castle County with the vot-

Voting place. ing place at Foard's Store, Marshallton.

Section 3. All Acts or parts of Acts inconsistent herewith are hereby repealed.

Approved March 30, A. D. 1911.

OF THE GENERAL ELECTION.

CHAPTER 51.

OF THE GENERAL ELECTION.

AN ACT to change the voting place in the Fifth Election District of the Seventh Representative District of New Castle County.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Section 1. That from and after the approval of this Act, the place for holding all general elections in and for the Fifth Election District of the Seventh Representative District in New Castle County, shall be in the building known as "duPont School House" in said Election District, and the holding of General elections in and for said Election District at "Mt. Pleasant Hotel" in said Election District is hereby discontinued and abolished, and the place for holding general elections in said Election District, herein established, shall be the legal place for holding all general elections in said Election District.

Place for  
holding elec-  
tions  
changed to  
duPont  
School  
House.

Holding  
elections at  
Mt. Pleas-  
ant Hotel  
discon-  
tinued.

Section 2. That all Acts or parts of Acts inconsistent with the provisions of this Act, be and the same are hereby repealed.

Approved March 30, A. D. 1911.

## OF THE GENERAL ELECTION.

## CHAPTER 52.

## OF THE GENERAL ELECTION.

AN ACT to establish the voting place in the Third Election District of the Tenth Representative District in New Castle County.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Voting place  
shall here-  
after be at  
the store of  
James J.  
Ryan.

Section 1. That hereafter the voting place for all elections to be held in the Western Election District of New Castle Hundred, known as the Third Election District of the Tenth Representative District of New Castle County, State of Delaware, shall be at the store now owned by James J. Ryan situate on the Northwest side of Ninth Street between Young Street and Clayton Street in the City of New Castle.

Approved March 28, A. D. 1911.

OF THE GENERAL ELECTION.

CHAPTER 53.

OF THE GENERAL ELECTION.

AN ACT to amend Chapter 69, Volume 24, Laws of Delaware, entitled "An Act in relation to the Election Districts of Representative District Number 11, in New Castle County."

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Section 1. That Section 1 of Chapter 69, Volume 24, Laws of Delaware, be amended by striking out the following words from the sixth and seventh lines of the third paragraph of the said section: "store house or building owned by Zachary T. Harris" and inserting in lieu thereof the following words: "building now owned or occupied by William C. Brooks."

Sec. 1, Chap.  
69, Vol. 24,  
amended.

And by striking out of the seventh line of the fourth paragraph of Section 1, the following words: "George S. Butterworth" and inserting in lieu thereof the words: "Samuel M. McClenaghan."

Approved March 29, A. D. 1911.

## OF THE GENERAL ELECTION.

## CHAPTER 54.

## OF THE GENERAL ELECTION.

AN ACT to divide the Second Election District of the Second Representative District, of Sussex County, into two Election Districts.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :*

Election District in Sussex County divided.

Section 1. That for the purpose of holding Elections for Hundred, District, County and State officers, in what is now the Second Election District of the Second Representative District, of Sussex County, the said Election District is hereby divided into two Election Districts as follows:

District divided.

"By a line beginning at Norton's Mill Stream, thence in a westerly direction with the public road leading to Dale's Crossing, thence by the public road to Cocked Hat, thence by the public road to the farm of Oliver A. Newton to a road leading to Bridgeville, thence by said road in a Northwest-erly direction to the first public road on the right leading to Scott's store, thence following said road to Scott's store, thence by said road to Wooden Hawk, thence following said road and crossing another road at Adam's Mill, thence straight to the Maryland line on road leading to Anderson

Polling place of Second Election District shall be at Bridgeville.

Town. All that part of the Second Election District of the Second Representative District, of Sussex County, lying on the south side of said dividing line, shall remain and be the Second Election District of the Second Representative District of Sussex County, and the polling place for said Second Election District shall be in the Town of Bridgeville as heretofore; all on the north side of said dividing line shall be the Third Election District of the Second Representative District of Sussex County, and the polling place for said Third Election District shall be in the Town of Greenwood.

Polling place of Third Election District shall be at Greenwood.

Approved March 30, A. D. 1911.

OF THE GENERAL ELECTION.

CHAPTER 55.

OF THE GENERAL ELECTION.

AN ACT changing the voting place in the Third Election District of the Tenth Representative District of Sussex County.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Section 1. That from and after the approval of this Act, every general and special election in the third election district of the Tenth Representative District of Sussex County, shall be held at Wescott's shops at Westcott's Corner in said County, instead of Murray's Shops at Murray's Corner. <sup>Voting place changed.</sup>

Approved March 24, A. D. 1911.



## OF ELECTIONS IN CITY OF WILMINGTON.

## CHAPTER 56.

## OF ELECTIONS IN CITY OF WILMINGTON.

AN ACT fixing the compensation of Election Officers at Municipal Elections in the City of Wilmington.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :*

Compensation of election officers.

Not to apply to Board of Education.

Section 1. From and after the approval of this Act Judges of Election, Inspectors of Election and Poll Clerks shall each be entitled to receive Five Dollars for each day's service rendered in holding a municipal Election in the City of Wilmington and Three Dollars for each day's service rendered for duties required of them or any of them on any other day than the day upon which such Municipal Election is held. Nothing in this Act shall be construed to apply to elections in said City for members of the Board of Education.

Section 2. All Acts and parts of Acts inconsistent with the provision of this Act are hereby repealed.

Approved April 4, A. D. 1911.

# TITLE FIFTH

## Of Certain Public Officers

### CHAPTER 57.

#### GENERAL PROVISIONS.

AN ACT authorizing the appointment of a Joint Committee of two on the part of the Senate and three on the part of the House to settle with certain State officers and institutions, at a meeting to be held on the third Tuesday of January, 1912, authorizing the employment of expert assistance, and the payment of the expenses of said session of said committee.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Section 1. That a joint committee of five be appointed on the part of the General Assembly to consist of the following: Two members of the Senate and three members of the House of Representatives, who shall be appointed respectively by the President of the Senate and the Speaker of the House of Representatives. Said committee shall meet at Dover on the third Tuesday of January, 1912.

Joint Committee of five appointed.

To meet the third Tuesday in January, 1912.

Section 2. That it shall be the duty of the said Committee to settle all accounts of the State Treasurer, to settle with the Librarian, to receive the reports of the Auditor of Accounts for the current year, to receive the report and settle all accounts of the Insurance Commissioner, audit the accounts of the Adjutant General, the Oyster Revenue Collector, the State Board of Agriculture, the State Board of Health, the Board of Trustees of the Delaware State Hos-

To settle the accounts, and audit the same, of State officers and State Boards.

## GENERAL PROVISIONS.

pital at Farnhurst, and to settle with the Clerk of the Senate and Clerk of the House of Representatives for the printing of the Journals of the Houses of the Legislature for the present session and making indices thereto, and to audit the account of the Secretary of State for State Taxes and other moneys received by him for the State.

To publish a statement of settlement in two newspapers.

Section 3. That it shall be the duty of the said Committee to cause a statement of their settlement with the said officers under their hands, or a majority of them, to be published in two newspapers printed in the State for the space of one month from the time of effecting the same.

Authorized to employ expert assistance.

Section 4. That said Committee be and is hereby authorized to employ expert assistance in making said settlements.

Compensation of Committee.

Section 5. That the said Committee shall receive the same compensation as members of the General Assembly, to be paid by the State Treasurer, upon orders drawn by the Chairman of the said Committee out of any money in the hands of the said State Treasurer not otherwise appropriated, and the Chairman of said Committee shall have authority to draw orders for the incidental expenses arising out of the session of said Committee and for the appropriations or allowances made by the said Committee to be paid in like manner; Provided, however, that the amount to be expended by said Committee shall not exceed the sum of One Thousand Dollars.

Not to exceed \$1000.

\$1000 appropriated.

Section 6. That the sum of One Thousand Dollars is hereby expressly appropriated to said Committee to be used by it in defraying the expenses of the session of said Committee and the State Treasurer is hereby directed to pay said sum of money, upon warrant of the Chairman of said Committee, out of any money in the Treasury not heretofore appropriated to any other purpose.

Approved April 13, A. D. 1911.

OF SALARIES.

CHAPTER 58.

OF SALARIES.

AN ACT fixing the Compensation of the Chancellor, Chief Justice and Associate Judges.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Section 1. That on and after July 1, 1911, the Chancellor, Chief Justice and Associate Judges shall receive as compensation for their services the following salaries, to wit: The Chancellor shall receive annually the sum of five thousand dollars; the Chief Justice shall receive annually the sum of five thousand dollars; the Associate Judges shall each receive annually the sum of four thousand eight hundred dollars, the said salaries shall be payable quarterly.

Salaries of the Chancellor, Chief Justice, and Associate Judges.

Section 2. The Chancellor shall receive as compensation for reporting the decisions of the Court of Chancery and the Orphans' Court in the respective counties the additional sum of two hundred dollars per annum; and the Associate Judge resident in Kent County shall receive as additional compensation for reporting the decisions of the Supreme Court, and the Superior Court, the Court of General Sessions and the Court of Oyer and Terminer in the respective counties; the additional sum of two hundred dollars per annum.

Compensation of Chancellor for reporting.

Compensation of Associate Judge for reporting.

Approved April 4, A. D. 1911.

## OF SALARIES.

## CHAPTER 59.

## OF SALARIES.

AN ACT to increase the salary of the Clerk of the Insurance Commissioner.

*Be it enacted in the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Salary of  
Clerk in-  
creased to  
\$500.

Section 1. That the salary of the clerk of the Insurance Commissioner which Section 22, of Chapter 330, Volume XXII, Laws of Delaware provides shall be the sum of Three Hundred Dollars annually to be paid by the State Treasurer in quarterly installments be and the same is hereby changed to the sum of Five Hundred Dollars annually to be paid by the State Treasurer in monthly installments.

Approved March 28, A. D. 1911.

OF SALARIES.

CHAPTER 60.

OF SALARIES.

AN ACT increasing the salary of the State Librarian.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Section 1. That on and after the second Tuesday in February, A. D. 1911, in lieu of the present salary, the salary of the State Librarian shall be twelve hundred dollars. Salary of State Librarian increased to \$1200.

Section 2. That all acts, parts of acts or resolutions inconsistent with this Act are hereby repealed.

Approved March 28, A. D. 1911.

## OF SALARIES.

## CHAPTER 61.

## OF SALARIES.

AN ACT increasing the salaries of the Clerks in the Office of the Register in Chancery, and Clerk of the Orphans' Court in New Castle County.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :*

Salaries of  
Clerks in-  
creased.

Section 1. That hereafter the salaries of the two Clerks which the Register in Chancery and Clerk of the Orphans' Court in New Castle County is authorized by law to employ, shall be the sum of One Thousand Dollars per annum for each clerk, payable monthly.

Approved April 4, A. D. 1911.

## OF THE SECRETARY OF STATE.

## CHAPTER 62.

## OF THE SECRETARY OF STATE.

AN ACT to authorize the Secretary of State to procure a new Seal, to be used as the Great Seal of the State of Delaware, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Section 1. That the Secretary of State be, and he is hereby authorized to procure a new seal and press, to be used as the Great Seal of the State of Delaware, which said seal shall not exceed three inches in diameter, and shall be emblazoned as follows: Party per fess, or and argent, the first charged with a garb (wheat sheaf) in bend dexter; and an ear of maize (Indian corn) in bend sinister, both proper; the second charged with an ox stantant, ruminating, proper; fess, wavy azure-supporters on the dexter, a husbandman with a hilling hoe, on the sinister, a rifleman armed and accoutred, at ease. Crest, on a wreath azure and argent, a ship under full sail, proper; with the words "Great Seal of the State of Delaware," and also, the words "Liberty and Independence" engraved thereon,

Secretary of State authorized to procure a new Great Seal.

Size and description of seal.

Section 2. That when the said seal and press shall be so procured as aforesaid, the Secretary of State shall break and destroy, or cause to be broken and destroyed, the Seal now used as the Great Seal of the State of Delaware, and shall keep and use the new seal, by him procured as aforesaid, for all purposes for which the Great Seal of the State is now used.

Old seal to be broken and destroyed.

Approved March 1, A. D. 1911.



## OF THE SECRETARY OF STATE.

## CHAPTER 63.

## OF THE SECRETARY OF STATE.

AN ACT authorizing the Secretary of State to procure a new press and seal of office.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Secretary of  
State au-  
thorized to  
procure a  
new office  
seal.

Section 1. That the Secretary of State be and he is hereby authorized to procure for his office a new press and seal; said seal to be made of steel or brass, of the same diameter as the present seal and engraved with the same devices; and when completed, the said seal shall be taken, adjudged and deemed to be the seal of the Secretary of State, as provided by Section 3, Chapter 28, page 152 of the Revised Code.

Old seal to  
be broken  
and de-  
stroyed.

Section 2. That when the said seal shall be so procured, as aforesaid, the said Secretary of State shall cause the present seal of the Secretary of State to be broken and destroyed in the presence of the Governor.

Approved March 1, A. D. 1911.

OF THE STATE TREASURER.

CHAPTER 64.

OF THE STATE TREASURER.

AN ACT to install a more up-to-date system of accounts in the Treasury Department.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Section 1. That the sum of One Thousand Dollars, or so much thereof as is necessary is hereby appropriated out of the General Fund of the State to defray the expenses of installing a more up-to-date system of accounting in the Treasury Department. The said appropriation shall be drawn upon warrants of the State Treasurer upon the approval of the Auditor of Accounts as provided by Chapter 48, Volume 25, Laws of Delaware.

\$1000 appropriated to install a new system of accounting in the Treasury Department.

Drawn upon warrants of State Treasurer approved by State Auditor.

Approved April 13, A. D. 1911.

## OF THE STATE TREASURER.

## CHAPTER 65.

## OF THE STATE TREASURER.

AN ACT abolishing the fee system of paying the State Treasurer, giving him a fixed salary and providing for clerical assistance.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Fixing salary of the State Treasurer.

Section 1. Beginning with the term of the State Treasurer, who shall be elected at the next General Election, and continuing thereafter, the State Treasurer shall receive as full compensation for all his services a salary of Three Thousand Dollars per annum, payable in equal quarterly installments out of any funds of the State not otherwise appropriated, which said salary shall be in lieu of all emoluments which the State Treasurer has been heretofore entitled by law to receive.

Authorized to employ a clerk.

Salary of clerk.

Section 2. That after the passage of this Act the State Treasurer be, and he is hereby authorized and empowered, to employ a clerk or deputy at annual salary not exceeding Twelve Hundred Dollars, to be paid in equal monthly installments out of any money of the State not otherwise appropriated.

Section 3. All acts and parts of acts inconsistent with the provisions of this Act be and the same are hereby repealed.

Approved March 30, A. D. 1911.

OF THE STATE TREASURER.

CHAPTER 66.

OF THE STATE TREASURER.

AN ACT providing a bond for the Clerk to the State Treasurer.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Section 1. That the Clerk to the State Treasurer shall be bonded for the faithful performance of his duties as Clerk to the State Treasurer for the amount of One Hundred and Twenty-five Thousand Dollars, the said bond to be approved by the Governor and filed by the Secretary of State in the same manner as now provided in the case of the bond of the State Treasurer.

Clerk to the  
State Treas-  
urer to give  
bond.

Section 2. The cost of the said bond shall be paid by the State Treasurer, with the approval of the Auditor of Accounts, out of any moneys of the State not otherwise appropriated.

Cost of bond  
to be paid  
by State  
Treasurer.

Approved March 28, A. D. 1911.

## OF THE AUDITOR OF ACCOUNTS.

## CHAPTER 67.

## OF THE AUDITOR OF ACCOUNTS.

AN ACT authorizing the Auditor of Accounts to appoint a Deputy.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Authorized  
to appoint  
a deputy at  
\$1200 a year.

Section 1. That the Auditor of Accounts of the State of Delaware be and he is hereby authorized and empowered to appoint a Deputy Auditor of Accounts at an annual salary of Twelve Hundred Dollars, to be paid by the State Treasurer in quarterly payments upon the order of the Auditor of Accounts.

Chap. 52,  
Vol. 25, re-  
pealed.

Section 2. That Chapter 52, Volume 25, Laws of Delaware, be and the same is hereby repealed.

Approved March 28, A. D. 1911.

OF THE ATTORNEY GENERAL.

CHAPTER 68.

OF THE ATTORNEY GENERAL.

AN ACT appropriating Two Hundred and Fifty-six Dollars and five cents (\$256.05) to pay certain Bills contracted by the Attorney General during the year Nineteen Hundred and Ten.

Whereas fifteen hundred dollars was appropriated by the General Assembly as a contingent fund for the use of the Attorney General's office for the year nineteen hundred and ten;

And Whereas on the ninth day of January, A. D. 1911 the unexpended balance in said fund was two hundred and fifty-six dollars and five cents, which said balance on said day was returned to the general fund in the State Treasury as provided by law, and thereby became unavailable for the payment of bills contracted by the Attorney General during the year nineteen hundred and ten;

And Whereas on said day there were unpaid bills contracted by the Attorney General during the year nineteen hundred and ten aggregating an amount in excess of said sum of two hundred and fifty-six dollars and five cents, which said bills are now unpaid; therefore

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Section 1. That the sum of of Two hundred and fifty-six dollars and five cents be and the same is hereby appropriated to pay so many of the unpaid bills contracted during the year nineteen hundred and ten by the Attorney General as the same is applicable to.

\$256.05 appropriated.

Section 2. That the said sum of two hundred and fifty-six dollars and five cents shall be in addition to any appropriation that may hereafter be made for the Attorney Gen-

Shall be in addition to appropriation made for contingent fund.

## OF THE ATTORNEY GENERAL.

How paid.

eral's Contingent Fund for the year nineteen hundred and eleven. The sum appropriated by this Act shall be applied by the State Treasurer to the payment of the unpaid bills hereinbefore mentioned, and the said bills shall be paid by the State Treasurer upon warrants drawn by the Attorney General and approved as other warrants drawn by the Attorney General are approved.

Approved April 4, A. D. 1911.

## OF CORONERS.

## CHAPTER 69.

## OF CORONERS.

AN ACT to enable the Coroners of the Several Counties of this State to keep Official Records.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Section 1. It shall be the duty of the Coroner in each County of this State to procure and keep a record, which record is to be paid for by the Levy Court of the County, to be called Record of the Coroner of (name of County) County, in which he shall make an entry of each official action, setting down the name or description of every deceased person, the cause of whose death he is required by law to investigate; the time when such person was found dead; the place where such person was found dead; the name of the witnesses and jurors, if an inquest was held; the date of such inquest and the verdict of the jury, or if no inquest was held, the reason why no inquest was held, and such other entries as are necessary and proper for a full understanding of such official action. The Coroner shall also keep an index to said Record.

Coroner to keep a record.

What the entries shall set forth.

Shall keep an index to record.

Section 2. That said Record, or a certified copy thereof, shall be received as evidence in all the Courts of this State to prove the matters therein contained.

Shall be received as evidence.

Section 3. That each Coroner, at the expiration of his term, shall deliver forthwith to his successor in office said record and all other records, books, papers and other things belonging to said office, and not otherwise disposed of according to law.

Shall deliver all records, books, etc., to successor.

Approved March 14, A. D. 1911.



## OF CORONERS.

## CHAPTER 70.

## OF CORONERS.

AN ACT to Amend an Act entitled "An Act fixing the Salary of the Coroner of New Castle County" being Chapter 148, Vol. 16, Laws of Delaware.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Sec. 2, Chap.  
148, Vol. 16,  
amended.

Section 1. That Section 2, of Chapter 148, Vol. 16, Laws of Delaware, be and the same is hereby amended by striking out of said section the word "six" wherever the same appears and inserting in lieu thereof the word "four" and the said section is hereby further amended by striking out of said section the word "nine" and inserting in lieu thereof the word "six."

Sec. 5 of the  
Chapter  
amended.

Section 2. That Section Five of said Chapter be and the same is hereby amended by striking out all of said section after the word "County" and by adding to the end of said section the following "That each of said witnesses shall be paid by the Levy Court for attendance each day Fifty Cents and Three Cents per mile going and returning, and each of said jurors shall be paid by the Levy Court for attendance each day One Dollar and Three Cents per mile going and returning."

Fees and  
mileage of  
witnesses  
and jurors.

Approved March 29, A. D. 1911.

OF RECORDER OF DEEDS.

CHAPTER 71.

OF RECORDER OF DEEDS.

AN ACT authorizing the Recorder of Deeds in and for New Castle County to record a certain deed.

Whereas, by Deed dated the Twentieth day of May A. D. one thousand eight hundred and twelve signed and sealed by Joseph Tatnall, the grantor therein named, said Deed being regular in all other respects but not acknowledged and recorded, the said grantor granted and conveyed unto one John Rumsey in fee simple the grantee therein named all those two certain adjoining lots or pieces of land in said Deed more particularly described, situated in the City of Wilmington, New Castle County and State of Delaware, and,

Whereas, the Chain of title of record of the two said lots of land from the date of said Deed to the present time through the various different owners and holders thereof is perfect, unbroken and regular in every respect,

*Therefore, Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met:*

Section 1. That the Recorder of Deeds in and for New Castle County, be and he is hereby authorized and directed to accept and record the said Deed as though the acknowledgment thereto were perfect and complete.

Section 2. That this act shall be deemed and taken to be a private act.

Approved February 21, A. D. 1911.

## OF CRIERS OF COURTS.

## CHAPTER 72.

## OF CRIERS OF COURTS.

AN ACT fixing the Compensation of the Criers of the Courts of the State of Delaware sitting in Kent and Sussex Counties and requiring and enforcing payment to the County Treasurers of all fees Collected for the use of such officers.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Criers of the Courts to receive a salary in lieu of fees, allowances, etc.

Fees, etc., to be paid to the County Treasurer.

To take effect April 1, 1911.

Section 1. That on and after the first day of April, A. D. 1911, the Criers of the Courts of the State of Delaware holding such office in Kent and Sussex Counties shall receive a salary of Five Hundred Dollars per year payable monthly in the same manner as the salaries of other County Officers are paid, and on and after said date, all fees, costs, allowances and other perquisites collected by any officer of the County or State for the use of such Crier shall be paid by the officer collecting the same to the County Treasurer of the respective Counties for the use of such County; but this Section shall not apply to any fees, costs, allowances or other perquisites due to such Criers for any official service rendered prior to said first day of April A. D. 1907.

Section 2. From and after said first day of April A. D. 1911, all fees, costs, allowances and other perquisites theretofore or thereafter taxable as Crier's fees, shall be charged and collected as theretofore by the County officers, and by such officers paid to the respective County Treasurers for the use of the County.

Section 3. This Act shall be deemed and taken to be a public act.

Approved April 6, A. D. 1911.

## OF STATE CHEMIST.

## CHAPTER 73.

## OF STATE CHEMIST.

AN ACT to amend an Act entitled "An Act to Amend the Act entitled 'An Act to amend the Act entitled 'An Act Providing for the appointment of a State Chemist' '", passed at Dover, April 16, 1885, Further Regulating the Analysis and Sale of Fertilizers within the State of Delaware.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Section 1. That Section 2, Chapter 438, Volume 17, Laws of Delaware, be and the same is hereby amended by adding thereto, between the words "all" and "fertilizers" as they appear in the second line thereof, the words "brands of."

That said section two be hereby further amended by adding thereto, between the word "state" and the word "and" in the third line of said section the words "except the substances or materials commonly known as Kainite, Muriate of Potash, Sulphate of Potash, Nitrate of Soda, Tankage, Dried Blood, Ground Fish or Fish Scrap, and Untreated Phosphatic Rock, when the said substances or materials are sold or offered for sale each by itself unmixed with any other fertilizing substance or material."

Section 2. That Section 3 of the said act be and the same is hereby amended by striking out the word "commercial" where it appears in the second line thereof, and by adding to the said section between the words "thereon" and "the" as they appear in the third line thereof, the following: "or upon a tag thereto attached."

Section 3. That Section 4 of the said act be and the same is hereby amended by striking out the word "commercial" where it appears in the first and second lines thereof,

## OF STATE CHEMIST.

and by adding to the said section between the words "the" and "fertilizers" as they appear in the fifth line thereof, the words "brands of."

Sec. 5 of  
the act  
amended.

Section 4. That Section 5 of the said act be and the same is hereby amended by striking out the word "commercial" where it appears in the second line thereof.

Sec. 9 of  
the act  
amended.

Section 5. That Section 9 of the said act be and the same is hereby amended by striking out the word "commercial" where it appears in the first line thereof, and by adding to the said section the following:

"Brand," or  
"brands" to  
mean and  
include all  
fertilizers.

"The terms "brand" and "brands of fertilizers" as used in this act, shall be taken to mean and include all fertilizers, whether manufactured, compounded or consisting of a single fertilizing material, that are either sold or offered for sale to the general public within this State by names, descriptions or other proprietary designations that disclose the same to be the private and particular trade commodities of the manufacturers or vendors thereof, as distinguished from special mixtures made for and upon the order of individual purchasers and compounded of fertilizing materials pursuant to formulae known alike by both purchasers and sellers."

State Chem-  
ist may re-  
quire man-  
ufacturers or  
vendors to  
make affi-  
davit.

"To determine the character of fertilizers as contemplated and defined by this act, the State Chemist may require manufacturers or vendors of fertilizers to make such affidavits in respect thereto, as he may find necessary, and upon refusal by any manufacturer or vendor to make affidavits as required, the fertilizers thereof shall be submitted to analysis as "brands."

"Nothing in this section shall be construed as changing, altering or otherwise limiting the liabilities and penalties by this act imposed for the violation of its provisions."

Approved March 29, A. D. 1911.

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## OF STATE BOARD OF HEALTH.

## CHAPTER 74.

## OF STATE BOARD OF HEALTH.

AN ACT to provide for the distribution of Antitoxin by the State Board of Health of Delaware.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Section 1. That the State Board of Health of Delaware is hereby authorized to procure and distribute Diphtheria Antitoxin to the people of the several counties of Delaware, when such person or persons are placed under quarantine for Diphtheria, and desire Diphtheria Antitoxin for the treatment thereof. The expense so incurred shall be paid by the person or persons quarantined, when able to make such payment, and when not, by the city, town or county in which he or they are quarantined. All of such Diphtheria Antitoxin thus distributed by the State Board of Health shall be furnished only after certification to the distributing agency, by the physician in attendance upon such case, and upon the forms adopted by the State Board of Health of Delaware.

Board of Health authorized to procure and distribute Antitoxin.

How expense shall be paid.

Shall be furnished only after certification.

Section 2. The State Board of Health of Delaware may make such rules and regulations governing the requisition and distribution of the above mentioned Diphtheria Antitoxin as they deem fit and proper, and said rules and regulations shall have the force of law.

May make rules and regulations.

Section 3. Any person making false certification for the securing of the above named Diphtheria Antitoxin shall, upon conviction thereof, be liable to a fine of not less than \$5.00 nor more than \$50.00, the same to be recovered before any Justice of the Peace of the State of Delaware, and from

Penalty for false certification.

## OF STATE BOARD OF HEALTH.

All fines paid  
to State  
Treasurer. whose decision there shall be no appeal. That all fines re-  
covered under this Act shall be paid to the Treasurer of the  
State, and applied to the General Fund of the State.

Board of  
Health shall  
furnish and  
have la-  
belled. Section 4. That the State Board of Health shall furnish  
the above said Diphtheria Antitoxin, and have the same la-  
belled "Delaware State Board of Health Diphtheria Anti-  
toxin."

One Thous-  
and Dollars  
appro-  
priated. Section 5. That the sum of \$1000 is hereby appropri-  
ated to the State Board of Health of Delaware for the carry-  
ing into effect the provisions of this Act, and the same is  
hereby appropriated out of any funds in the hands of the  
State Treasurer, not otherwise appropriated. The said ap-  
propriation shall be paid to the State Board of Health of  
Delaware, and shall be known as "Diphtheria Antitoxin Ap-  
propriation," and the State Board of Health shall keep the  
accounting for said appropriation as a distinct and separate  
account from other appropriations which they receive.

Board of  
Health to  
keep sepa-  
rate ac-  
count.

Approved April 4, A. D. 1911.

## OF STATE BOARD OF HEALTH.

## CHAPTER 75.

## OF STATE BOARD OF HEALTH.

AN ACT in relation to the shipment of the Bodies of Deceased Persons.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Section 1. It shall be unlawful for any common carrier to receive for shipment from any point within this State to any other point either within or without this State any dead human body, unless such body is accompanied with a Transit Permit issued as hereinafter provided.

Dead body must be accompanied with a Transit Permit.

Section 2. The Transit Permit hereinbefore provided for shall be issued by the Board of Health of the City of Wilmington in case of shipments from within the limits of the City of Wilmington, and by the State Board of Health in case of shipments from any other place in the State, under such reasonable rules, regulations and restrictions as the said respective Boards of Health may fix and determine, and shall be in such form and signed by such person or persons as the said respective Boards of Health shall determine.

Permit to be issued by whom.

Respective Boards shall determine form and signature of permit.

It shall be the duty of the State Board of Health to provide and furnish a supply of such Transit Permits at convenient and accessible points in the State so that they may be quickly and easily obtained in all proper cases.

State Board of Health to furnish a supply of permits.

Section 3. A fee to be fixed by the said respective Boards of Health, but in no case exceeding fifty cents, may be charged for each Transit Permit, such amount to be accounted for by the respective Boards of Health, and no other fee or charge for such Permit shall be made or exacted.

Fee not to exceed fifty cents.

Section 4. Any person or persons, association, firm or corporation violating any of the provisions of this Act, or

Penalty for violation of act.



## OF STATE BOARD OF HEALTH.

neglecting or omitting to perform any duty imposed by this Act, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine not exceeding Fifty Dollars.

Approved April 27, A. D. 1911.

## OF INSURANCE COMMISSIONER.

## CHAPTER 76.

## OF INSURANCE COMMISSIONER.

AN ACT to amend Chapter 99, Volume 22, Laws of Delaware, entitled "An Act to Re-enact and Revise the Insurance Laws of Delaware, in order to make them conform with the Requirements of the amended Constitution and of the General Corporation Law," being an Act in Relation to Insurance.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Section 1. That Section 11 of Chapter 99, Volume 22, Laws of Delaware, entitled "An Act to Re-enact and Revise the Insurance Laws of Delaware, in order to make them Conform with the Requirements of the Amended Constitution and of the General Corporation Law," be amended by striking out of said section the following words, to wit: "provided, that no part of this section is intended to or shall apply to direct insurance covering the rolling stock of railroad corporations, or property in transit while in the possession and custody of railroad corporations or other common carriers, nor to the property of such common carriers, used or employed by them in their business as common carriers of freight, merchandise or passengers," and insert in lieu thereof the following, to wit: "Provided, that no part of this section is intended to or shall apply to direct insurance covering the rolling stock of railroad corporations whose motive power is steam or property in transit while in the possession and custody of said class of railroad corporations or other common carriers whose motive power is steam, nor to the property of said class of common carriers, used or employed by them in their business as common carriers of freight, merchandise or passengers."

Sec. 11,  
Chap. 99,  
Vol. 22,  
amended.

Not to apply  
where the  
motive  
power is  
steam.

Approved April 29, A. D. 1911.

## OF INSURANCE COMMISSIONER.

## CHAPTER 77.

## OF INSURANCE COMMISSIONER.

AN ACT to define gross premiums on Fire Insurance Policies of Foreign Fire Insurance Companies to be collected by the Insurance Commissioner.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Gross premiums on Fire Insurance Policies of Foreign Fire Insurance Companies defined.

Section 1. That where in Chapter 99, Volume 22, Laws of Delaware, and elsewhere in the laws of this State the words "gross premiums" are used in reference to premiums received by fire insurance companies on policies covering risks located within the State of Delaware the same shall be taken and held to mean all moneys collected as premiums on such policies, less return premiums paid therefrom by reason of cancellation of policies and less re-insurance premiums received from companies authorized to do business in this State and shall pay to the State taxes on the original premiums.

Section 2. All acts and parts of acts inconsistent herewith are hereby repealed.

Approved March 29, A. D. 1911.

## OF STATE LIVE STOCK SANITARY BOARD.

## CHAPTER 78.

## OF STATE LIVE STOCK SANITARY BOARD.

AN ACT to establish the State Live Stock Sanitary Board of Delaware, and to provide for the control and suppression of dangerous, contagious or infectious diseases of domestic animals.

Whereas, The live stock interests of this State are re- Preamble  
garded by this General Assembly as of great importance;

And Whereas, It is manifest that the State of Delaware Preamble.  
has among its domestic animals many contagious, infectious  
and dangerous diseases;

And Whereas, The agricultural interests of Delaware Preamble.  
demand a greater and better protection for its domestic ani-  
mals from such diseases;

And Whereas, The geographical situation of Delaware Preamble.  
makes necessary protection from diseased animals from our  
neighboring States;

Now, Therefore, To more effectually control and eradi-  
cate diseases and properly protect the agricultural interests  
in the most economic way;

*Be it enacted by the Senate and House of Representa-  
tives of the State of Delaware in General Assembly met:*

Section 1. That a Board is hereby established to be known as "The State Live Stock Sanitary Board." The Board shall consist of the members of the State Board of Agriculture as the said Board is now constituted and it may be constituted hereafter, and a Veterinarian who shall be a competent and qualified person and a graduate of a Veterin-  
ary College in good standing, to be appointed by the Gov-  
ernor for the term of three years. The members of said Board shall be paid the sum of five dollars per day and ex-  
penses for each day they may be in session.

Name of  
Board.

Of whom  
Board shall  
consist.

Veterinarian  
to be ap-  
pointed by  
the Gover-  
nor.

Compensa-  
tion of the  
members.

## OF STATE LIVE STOCK SANITARY BOARD.

Duty of the Board.

Section 2. That it shall be the duty of the State Live Stock Sanitary Board to protect the health of the domestic animals of the State, to determine and employ the most efficient and practical means for the prevention, suppression, control or eradication of dangerous, contagious or infectious diseases among the domestic animals, and for these purposes it is hereby authorized and empowered to establish, maintain, enforce and regulate such quarantine and other measures relating to the movements and care of animals and their products, the disinfection of suspected localities and articles and the destruction of animals, as it may deem necessary, and to adopt from time to time all such regulations as may be necessary and proper for carrying out the purposes of this act; provided, however, in the case of any slowly contagious diseases only suspected or diseased animals shall be quarantined.

To adopt necessary regulations.

When an agreement cannot be made, three appraisers shall be appointed.

What sum of money shall be paid under appraisement.

Section 3. That when it shall be deemed necessary to condemn and kill any animal or animals to prevent the further spread of disease, and an agreement cannot be made with the owners for the value thereof, three appraisers shall be appointed, one by the owner, one by the Board or its authorized agent, and the third by the two so appointed, who shall, under oath or affirmation, appraise the animal or animals, taking into consideration their actual value and condition at the time of appraisement, and such appraised price shall be paid in the same manner as other expenses under this act are provided for; provided, that under such appraisement not more than twenty-five dollars shall be paid for any infected animal of grade or common stock, and not more than fifty dollars for any infected animal of registered stock, nor more than forty dollars for any horse or mule of common or graded stock, and not to exceed fifty per cent. of the appraised value of any standard bred registered or imported horse.

Section 4. That the Board or any member thereof, or any of their duly authorized agents, shall at all times have

## OF STATE LIVE STOCK SANITARY BOARD.

the right to enter any premises, farms, fields, pens, abattoirs, slaughter houses, buildings, cars or vessels, where any domestic animal is at the time quartered, or wherever the carcass of one may be, for the purpose of examining it in any way that may be deemed necessary to determine whether they are or were the subjects of any contagious or infectious diseases.

Shall have the right to enter any premises, building, etc.

Section 5. That any person or persons wilfully violating any of the provisions of this act, or any regulations of the State Live Stock Sanitary Board, or wilfully interfering with officers appointed under this act, shall be deemed guilty of misdemeanor and shall, upon conviction, be punished by a fine not exceeding one hundred dollars or by imprisonment not exceeding one month, or both, at the discretion of the court.

Penalty for wilful violation, or interference.

Section 6. That the State Live Stock Sanitary Board is hereby empowered to appoint and employ such assistants and agents and to purchase such supplies and materials as may be necessary in carrying out the provisions of this act. The Board and the members thereof are hereby empowered to administer oaths or affirmations to the appraisers appointed under this act. They may order and conduct such examinations into the conditions of the live stock of the State in relation to contagious diseases, including the milk and meat supplies of cities, towns, boroughs and villages, as may seem necessary and to take proper measures to protect such milk and meat supplies from contamination.

May appoint assistants or agents.

May purchase supplies, etc.

May administer oaths.

Examinations in relation to contagious diseases.

Milk and meat supplies.

Section 7. That all necessary expenses under the provisions of this act shall, after approval in writing by the Governor be paid by the State Treasurer upon the warrant of the Governor.

Expenses shall be paid by the State Treasurer.

Section 8. For the purpose of defraying the expenses involved in carrying out the provisions of this act an annual appropriation, not to exceed five thousand dollars, or so

Five thousand dollars appropriated.

## OF STATE LIVE STOCK SANITARY BOARD.

much thereof as occasion may require, is hereby made from the funds of this State.

To take  
effect when.

Section 9. That this Act shall take effect ten days after approval by the Governor, and all acts or parts of acts inconsistent herewith are hereby repealed.

Approved April 6, A. D. 1911.

## OF REVENUE AND TAXATION COMMISSION.

## CHAPTER 79.

## OF REVENUE AND TAXATION COMMISSION.

AN ACT Providing for the Creation of a Revenue and Taxation Commission and for an Appropriation to pay the Expenses and Compensation thereof.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Section 1. That a Commission be and the same is hereby created consisting of nine persons to consider State and county revenue and taxation, and to make report thereof as hereinafter provided. Said Commission shall consist of Philip L. Cannon, T. Allen Hilles, Harvey P. Hall, David C. Rose, Alvin B. Conner, George W. Sparks, Oliver A. Newton, Thomas O. Cooper and Joseph L. Cahall. The said Commission shall be styled "State Revenue and Taxation Commission."

Commission created.

Members of the Commission.

Name of the Commission.

Section 2. That any vacancy occurring in said Commission by death, resignation or otherwise, shall be filled by appointment by the Governor.

Vacancies filled by the Governor.

Section 3. The said Commission shall within two months after the passage of this Act, meet at the State House in Dover for the purposes of organization, at which meeting shall be elected a President and a Secretary out of the number of said Commissioners, and such other officers as said Commissioners shall deem necessary. It shall be the duty of said Commission to make full and thorough investigation of the subject of State and County revenue and taxation. For this purpose said Commission shall have authority to engage counsel learned in law and such other assistance as it shall deem advisable. Said Commission shall have authority at its discretion to summon witnesses and the President or other presiding officer of said Commission for

Shall meet and organize.

Officers to be elected.

Duty of Commission.

Authorized to engage counsel and other assistance.

Authority to summon witnesses and administer oaths.



## OF REVENUE AND TAXATION COMMISSION.

Revenue  
Collector  
shall serve  
summons.

Penalty for  
failure to  
appear.

False state-  
ment deemed  
perjury.

Shall report  
to the Gen-  
eral Assem-  
bly.

Compensa-  
tion of Com-  
missioners.

Fifteen  
hundred dol-  
lars appro-  
priated.

State Treas-  
urer author-  
ized to pay.

the time being, shall have authority to administer oaths. The State Revenue Collector shall serve all summons placed in his hands by this Commission. Any person so summoned and failing to appear shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by fine or imprisonment or both at the discretion of the Court. Any false statement made by a witness under oath before said Commission, shall be deemed perjury and punishable as such under the laws of this State.

Section 4. That said Commission shall at the next regular session of the General Assembly make such report or reports and submit such proposed Act or Acts relating to State and County revenue and taxation of such General Assembly, as said Commission or a majority of them shall deem proper and which shall embody the results of the labors and investigations of said Commission. Said Commissioners shall be paid their actual expenses while serving upon said Commission and a compensation of five dollars per diem for each day on which said Commission shall sit for the performance of its duties.

Section 5. For the payment of the compensation of said Commissioners, their counsel and assistants, and all other expenses of said Commission, the sum of fifteen hundred dollars is hereby annually appropriated and the State Treasurer is hereby authorized to pay from time to time out of said appropriation, orders on account of such expenditure, signed by the President and Secretary of said Commission and approved by the Governor.

Approved March 30, A. D. 1911.

OF STENOGRAPHER AND TYPEWRITER.

CHAPTER 80.

OF STENOGRAPHER AND TYPEWRITER.

AN ACT to Provide for a Stenographer and Typewriter for the Governor and Secretary of State.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :*

Section 1. That the Governor and Secretary of State be and they are hereby authorized and empowered to employ Stenographer and Typewriter, at an annual salary of Twelve Hundred Dollars, to be paid by the State Treasurer in equal quarterly installments.

Authorized  
to employ  
Stenog-  
rapher and  
Typewriter  
at salary of  
\$1200.

Section 2. All acts or parts of acts inconsistent with this act be and the same are hereby repealed.

Approved March 17, A. D. 1911.

## OF CLERK FOR SECRETARY OF STATE.

## CHAPTER 81.

## OF CLERK FOR SECRETARY OF STATE.

AN ACT to provide a Clerk for the Secretary of State.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Authorized  
to employ a  
Clerk at a  
salary of  
\$600.

Section 1. That the Secretary of State of the State of Delaware be and he is hereby authorized and empowered to employ a Clerk at an annual salary not to exceed Six Hundred Dollars, to be paid by the State Treasurer in monthly payments upon the order of the Secretary of State.

Approved March 22, A. D. 1911.

OF PUBLIC ARCHIVE COMMISSION.

CHAPTER 82.

OF PUBLIC ARCHIVE COMMISSION.

AN ACT to amend an Act entitled "An Act for the Better Preservation of Certain Public Records," approved March 16, A. D. 1905, being Chapter 77, Volume 23, Laws of Delaware; relative to a Commission of Public Archives, its Powers and Duties.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Section 1. That the Act entitled "An Act for the better preservation of certain public records," approved March 16, A. D. 1905, being Chapter 77, Volume 23, Laws of Delaware, be and the same is hereby amended as follows:

Chap. 77.  
Vol. 23,  
amended.

1st. By striking out the words "Division of Public Records" in Section 1 of said Act and inserting in lieu thereof the words "Public Archive Commission;"

"Public  
Archive  
Commis-  
sion."

2nd. By striking out the words "Division of Public Records" in Section 2 of said Act and inserting in lieu thereof the words "Public Archive Commission;"

3rd. By striking out all of Section 3 of said Act and inserting in lieu thereof the following:

"Section 3. That the Public Archive Commission so appointed as aforesaid, shall have charge of all books, records, documents and papers of historic or public interest in all State and County offices, bearing date prior to 1850, and not in current use, and shall make and enforce all reasonable rules and regulations concerning the care of the same. The Commission may cause to be classified and catalogued for reference all books, records, documents and papers aforesaid and shall from time to time cause to be published such of said records as said Commission shall deem of sufficient importance to warrant said publication. In the case of any

Commission  
shall have  
charge of  
certain  
books, docu-  
ments and  
records.

To be classi-  
fied and  
catalogued.

Shall cause  
publication.

## OF PUBLIC ARCHIVE COMMISSION.

- such publication, the said Commission shall submit specifications therefor to the State Board of Supplies, which Board shall thereupon act in regard thereto as is now by law provided with regard to supplies for State officers and Boards by Chapter 82, Volume 23, Laws of Delaware, as amended. The said publications of the Commission shall be placed in the care of the State Librarian and shall be sold by him to any persons applying to him for the same at such price as shall be fixed by the Commission. The Commission shall from time to time certify to the State Treasurer the number of volumes delivered to the State Librarian as aforesaid and the price per volume fixed by said Commission for the same, and the said State Treasurer shall thereupon charge the said Librarian with said volumes. The said State Librarian shall account to the State Treasurer at least annually for all moneys received by him from the sale of any such volumes and the bond of the State Librarian shall be deemed and taken to embrace and include the proper accounting for all such moneys and for the delivery to his successor in office of any of the volumes aforesaid remaining in his possession unsold. The said Commission shall make report bi-ennially to the Governor of its acts and doings and of any legislation which it deems right and essential for the furtherance of its work."
- 4th. That Section 4 of said Act be amended by striking out the word "Division" in the third line of said section and inserting in lieu thereof the word "Commission." That Section 4 be further amended by adding between the word "Hundred" and the word "four" in the seventh line of said section, the words "and fifty."
- 5th. That Section 5 of the Act aforesaid be amended by striking out the words "Division of Public Records" in the third line of said Section and inserting in lieu thereof the words "Public Archive Commission."
- 6th. That the Act aforesaid be further amended by adding to said Act a new Section as follows:

Shall submit  
specifica-  
tions.

Shall be  
placed in the  
care of  
State Li-  
brarian.

Shall certify  
to State  
Treasurer.

State Li-  
brarian shall  
account to  
State  
Treasurer.

Shall make  
biennial re-  
port to the  
Governor.

Sec. 4 of act  
amended.

Sec. 5 of act  
amended.

Further  
amendment.

## OF PUBLIC ARCHIVE COMMISSION.

"Section 7. The Commission aforesaid is hereby authorized and empowered to employ such agent or agents as it may deem needful for the purpose of sorting, cataloguing, indexing and arranging any books, records, documents or papers of public or historic interest, bearing date prior to 1850, and for such other work as is necessitated by the powers and duties imposed upon it by this Act, and is hereby authorized and empowered to expend annually for these purposes, and for the necessary expense of its members incurred in the performance of their duties under this Act and for stationery and supplies, a sum not exceeding in the aggregate Five Hundred Dollars (\$500.00) annually. The said sum of Five Hundred Dollars (\$500.00) is hereby appropriated annually for the use of said Commission for the purposes aforesaid and the State Treasurer is hereby authorized and directed to honor the warrants of the President of said Commission in each year hereafter to an amount not exceeding in any year the amount aforesaid."

Authorized  
to employ  
agents.

Authorized  
to expend  
annually not  
exceeding  
\$500.

Five hun-  
dred dollars  
appropri-  
ated.

Approved March 14, A. D. 1911.

## OF COMPTROLLER FOR KENT COUNTY.

## CHAPTER 83.

## OF COMPTROLLER FOR KENT COUNTY.

AN ACT creating the Office of Comptroller for Kent County.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

<p>Governor to appoint a Comptroller for Kent County.</p>	Section 1. That the Governor shall, within ten days
<p>Term of ap- pointment.</p>	after the approval of this act, appoint a competent person, who shall be a resident freeholder in Kent County, to the office of County Comptroller, which said office is hereby cre- ated. The person so appointed shall hold office from the date of his appointment until and including the Monday next preceding the first Tuesday in the month of January, A. D. 1913, or until his successor be duly qualified. That at the
<p>To be elected every four years.</p>	general election in the year A. D. 1912, and at the general election in each and every fourth year thereafter, there shall be voted for and elected by the voters of Kent County, quali- fied to vote for members of the General Assembly, a person, being a resident free-holder as aforesaid, to fill the office of County Comptroller. The person so elected as aforesaid,
<p>Term of office.</p>	shall hold office for the term of four years, commencing on the first Tuesday in January next succeeding his election, or until his successor shall be duly qualified. Any Comptroller
<p>Shall give bond.</p>	appointed or elected under the provisions of this Act shall, before entering upon the duties of his office, give bond to the
<p>Bond to be approved by Associate Judge.</p>	State of Delaware with one or more sureties, to be approved by the Associate Judge of the Superior Court of the State of Delaware resident in Kent County, in the sum of ten thou-
<p>Amount of bond.</p>	sand dollars, conditioned for the faithful performance of the duties of the said office, and such bond shall have at- tached thereto a warrant for the confession of judgment
<p>Bond to be recorded by Clerk of the Peace.</p>	thereon. Such bond and warrant shall be forthwith trans- mitted by the said Judge to the Clerk of the Peace of Kent County, to be by him recorded and safely kept. It shall be

## OF COMPTROLLER FOR KENT COUNTY.

the duty of said Clerk of the Peace whenever, in his judgment the public interest demands, or whenever the County Treasurer or the Levy Court Commissioners, or a majority of them shall so request, to cause judgment to be entered on said bond in the Superior Court in and for Kent County. In case of the death, resignation, or refusal to act, or inability to give bond, as aforesaid, of any person appointed Comptroller as aforesaid, or whenever a vacancy shall occur in said office from any cause, the Governor shall appoint a competent person to act as County Comptroller during the residue of the term in which such vacancy shall happen, and such person so appointed shall be subject to all the provisions of law respecting said office. Every person who shall be appointed or elected to the office of County Comptroller shall, before entering upon the duties of his office, take and subscribe an oath or affirmation that he will support the Constitution of the United States, the Constitution of the State of Delaware, and that he will perform the duties of his office with fidelity.

Clerk of the Peace may cause judgment to be entered.

In case of death or inability to serve Governor shall appoint for residue of term.

Shall make oath or affirmation.

Section 2. That it shall be the duty of the County Comptroller to audit all the accounts, whether they be general or special, of the said Levy Court Commissioners, and countersign all warrants, general and special, drawn by order of said Commissioners for the payment of money. No money shall be paid out of the Treasury for County purposes except on warrants drawn by order of the Levy Court Commissioners signed by the president of the Levy Court and countersigned by the Comptroller, as provided hereafter in this section; provided, however, that interest coupons on the bonded debt of the County, and orders drawn by the Clerk of the Peace and the Prothonotary for fees of witnesses and jurors, shall be paid on presentation; and provided further, that orders drawn by the Clerk of the Peace concerning the laying out of roads shall be countersigned by the Comptroller before payment. After the adjournment of the Court of General Sessions and the Superior Court, the Comptroller shall verify the accounts of the Clerk of the Peace and Pro-

Duty of County Comptroller.

Shall countersign orders.

Proviso.

Shall be countersigned before payment.

Shall verify as to witness and jurors fees.



## OF COMPTROLLER FOR SUSSEX COUNTY.

## CHAPTER 84.

## OF COMPTROLLER FOR SUSSEX COUNTY.

AN ACT creating the Office of Comptroller for Sussex County.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :*

Governor to  
appoint  
Comptroller  
for Sussex  
County.

Term of  
appointee.

To be elected  
every four  
years there-  
after.

Term of  
office.

Shall give  
bond in the  
sum of  
\$10,000.

Bond to be  
recorded  
and kept by  
Clerk of the  
Peace.

Section 1. That the Governor shall, within ten days after the approval of this act, appoint a competent person, who shall be a resident freeholder in Sussex County, to the office of County Comptroller, which said office is hereby created. The person so appointed shall hold office from the date of his appointment until and including the Monday next preceding the first Tuesday in the month of January, A. D. 1913, or until his successor be duly qualified. That at the general election in the year A. D. 1912, and at the general election in each and every fourth year thereafter, there shall be voted for and elected by the voters of Sussex County, qualified to vote for members of the General Assembly, a person, being a resident freeholder as aforesaid, to fill the office of County Comptroller. The person so elected as aforesaid, shall hold office for the term of four years, commencing on the first Tuesday in January next succeeding his election, or until his successor shall be duly qualified. Any Comptroller appointed or elected under the provisions of this Act shall, before entering upon the duties of his office, give bond to the State of Delaware with one or more sureties, to be approved by the Associate Judge of the Superior Court of the State of Delaware resident in Sussex County, in the sum of ten thousand dollars, conditioned for the faithful performance of the duties of the said office, and such bond shall have attached thereto a warrant for the confession of judgment thereon. Such bond and warrant shall be forthwith transmitted by the said Judge to the Clerk of the Peace of Sussex County, to be by him recorded and safely kept. It shall be

## OF COMPTROLLER FOR SUSSEX COUNTY.

the duty of said Clerk of the Peace whenever, in his judgment the public interest demands, or whenever the County Treasurer or the Levy Court Commissioners, or a majority of them shall so request, to cause judgment to be entered on said bond in the Superior Court in and for Sussex County. In case of the death, resignation, or refusal to act, or inability to give bond, as aforesaid, of any person appointed Comptroller as aforesaid, or whenever a vacancy shall occur in said office from any cause, the Governor shall appoint a competent person to act as County Comptroller during the residue of the term in which such vacancy shall happen, and such person so appointed shall be subject to all the provisions of law respecting said office. Every person who shall be appointed or elected to the office of County Comptroller shall, before entering upon the duties of his office, take and subscribe an oath or affirmation that he will support the Constitution of the United States, the Constitution of the State of Delaware, and that he will perform the duties of his office with fidelity.

Bond may be entered.

Governor to appoint in case of vacancy, etc.

Shall make oath or affirmation.

Section 2. That it shall be the duty of the County Comptroller to audit all the accounts, whether they be general or special, of the said Levy Court Commissioners, and countersign all warrants, general and special, drawn by order of said Commissioners for the payment of money. No money shall be paid out of the Treasury for County purposes except on warrants drawn by order of the Levy Court Commissioners signed by the President of the Levy Court and countersigned by the Comptroller, as provided hereafter in this section; provided, however, that interest coupons on the bonded debt of the County, and orders drawn by the Clerk of the Peace and the Prothonotary for fees of witnesses and jurors, shall be paid on presentation; and provided further, that orders drawn by the Clerk of the Peace concerning the laying out of roads shall be countersigned by the Comptroller before payment. After the adjournment of the Court of General Sessions and the Superior Court, the Comptroller shall verify the accounts of the Clerk of the Peace and Pro-

Duty of Comptroller.

Money to be paid out on warrants.

Interest, witness and jurors fees to be paid on presentation.

Shall verify accounts of the Clerk of the Peace.

## OF COMPTROLLER FOR SUSSEX COUNTY.

Shall countersign orders.

Shall inspect books of County Treasurer once a month.

Shall inspect books of Collector of Taxes.

Shall keep a book.

Bills before allowance shall be marked "correct."

In case of refusal to allow any item.

thonotary touching witness and juror fees. All orders for the use of the Trustees of the Poor shall be drawn by their chairman and countersigned by the Comptroller. He shall also, at least once in every month inspect the books and accounts of the County Treasurer and audit the same and report the result of such audit to the Levy Court Commissioners. Such audits shall be made at the office of said County Treasurer. He shall also at least once in every month, inspect all books and accounts of the Collectors of Taxes and audit the same and report the result thereof to the said Levy Court Commissioners. It shall be the duty of said Collectors to present themselves to the Comptroller, at his office, with all their books and accounts for his inspection, at such time in each month as said Comptroller may designate. He shall also keep a book or books of accounts, in which shall be entered all items of expenditures; all warrants drawn; to whom made payable, and for what particular work or other cause; all written contracts made by said Levy Court Commissioners shall be deposited in his custody, and he shall enter all such contracts upon his books. And it shall be the duty of said Comptroller before countersigning any warrant, to inquire into and carefully investigate the transaction in relation to which any such warrant shall have been drawn; and to this end he shall have power to issue summons and compel the attendance of witnesses; and the production of books and papers pertinent to the said transaction; to administer oaths and affirmations; and ascertain the truth of the transaction so to be inquired into.

All bills shall, before allowance by said Levy Court Commissioners, be audited and marked "correct" by the said Comptroller, and no bill shall be passed by the said Levy Court Commissioners without such endorsement. In case the Comptroller shall refuse to allow any item of expenditure, or to countersign any warrant, or to endorse any bill, as aforesaid, he shall forthwith transmit to the Levy Court Commissioners his reasons therefore in writing, which shall thereupon be duly considered, and if this action shall be

## OF COMPTROLLER FOR SUSSEX COUNTY.

overruled by a vote of a majority of the Levy Court Commissioners, it shall be the duty of the said Comptroller to allow the expenditure or countersign the warrant or endorse the bill, in conformity with the judgment of the said Commissioners expressed as aforesaid, in which case he shall be exonerated from any responsibility in the premises. The County Treasurer shall not disburse any moneys upon warrants drawn by order of said Levy Court Commissioners except such warrants shall have been duly signed by the President of the Levy Court, and countersigned by the Comptroller.

Shall be countersigned by the Comptroller.

Section 3. That for all work and labor hereafter required to be done, and all merchandise, tools, implements and machinery to be furnished or had and used by or for account of the County, where the cost in any particular case will probably exceed the sum of five hundred dollars, the Levy Court Commissioners shall publicly invite sealed proposals for the doing of such work, and the furnishing of such merchandise, tools, implements, and machinery, and give the contract to the lowest bidder or bidders; provided that the said Commissioners may require of such bidder or bidders security for the faithful performance of such contract.

Shall invite sealed proposals.

Section 4. That a room in the County Courthouse shall be for the use of the County Comptroller, provided for by this act, from and after the date of his appointment. The Levy Court Commissioners shall provide for the County Comptroller the necessary records, books, cases, stationery and seals for the use of his office.

Shall have a room, and be provided with necessary materials.

Section 5. Any County Comptroller appointed or elected under the provisions of this act may be removed from office by the Superior Court of the State of Delaware, in and for Sussex County, after trial and conviction upon charges of wilful neglect or malfeasance in office.

May be removed for malfeasance in office.

An vacancy occasioned by removal from office of any County Comptroller under the provisions of this Section

In case of vacancy.

## OF COMPTROLLER FOR SUSSEX COUNTY.

shall be filled by appointment of the Governor for the residue of the unexpired term.

Salary of  
the Comp-  
troller.

The annual salary of the County Comptroller shall be one thousand dollars, and the said salary shall be paid quarterly.

Levy Court  
may provide  
clerical as-  
sistance.

Section 6. That whenever the County Comptroller shall need clerical assistance in the performance of the duties of his office, he shall apply to the Levy Court Commissioners, and if they deem it necessary they may authorize such employment.

Committee  
to be ap-  
pointed to  
inspect  
books of  
Comptroller.

Section 7. That in the month of December in each year it shall be the duty of the Associate Judge of the Superior Court, resident in the County of Sussex, to appoint a committee of three freeholders of Sussex County, who shall inspect the books and accounts of the County Comptroller and make report under oath, to the said Judge, who shall cause the same to be published once each week for three weeks in two of the weekly newspapers of Sussex County at the expense of the County, and the said committee shall receive as compensation for their services the sum of five dollars for each day in which they shall be actually engaged in such duty.

Publication  
shall be  
made.

Compensa-  
tion of com-  
mittee.

Shall make a  
general  
statement.

The County Comptroller shall, during the said month, make a general statement, showing the receipts, disbursements and appropriations, together with the bonded indebtedness of Sussex County, which statement shall be verified by his affidavit, and shall be published in two of the weekly newspapers of Sussex County.

Shall audit  
books of  
County off-  
icers in Jan-  
uary and  
July.

Section 8. The County Comptroller of Sussex County shall during the months of January and July in each year audit, inspect and examine the books, accounts, papers, records and dockets of the several County Officers of Sussex County, viz: Clerk of the Peace, Sheriff, Coroner, Prothonotary, Recorder, Register of Wills, Register in Chancery, Clerk of the Orphans' Court and Sealer of Weights and

OF COMPTROLLER FOR SUSSEX COUNTY.

Measures and of Justices of the Peace and other County Officers, and ascertain the amounts due to the County in fees, and he shall during the months aforesaid report in writing to the Levy Court, which shall cause the same to be entered at large upon the minutes and published in pamphlet form for distribution.

The Comptroller shall also examine the books of all public institutions within Sussex County, which are supported wholly or in part by the County, in the months of January and July in each year, and shall report the result of such audit to the Levy Court of Sussex County.

Shall examine books of County institutions.

Report of audit.

Section 9. All Acts and parts of Acts inconsistent herewith are hereby repealed.

Approved March 15, A. D. 1911.

## OF BOARD OF UNDERTAKERS.

## CHAPTER 85.

## OF BOARD OF UNDERTAKERS.

AN ACT relating to the undertaking business in the State of Delaware.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Persons not  
already en-  
gaged in un-  
dertaking  
business  
must obtain  
a certificate.

Section 1. That it shall be unlawful for any person, firm or corporation, who is not at the time of the approval of this Act, engaged in the undertaking business in this State, or assisting in the conduct or management thereof, to engage in said business or assist in the conduct or management thereof, unless he, she or it shall have obtained a certificate as hereinafter provided.

Board of  
Examiners  
to be ap-  
pointed by  
the Gover-  
nor.

Section 2. That a Board of Examiners, whose duty it shall be to carry out the purposes and enforce the provisions of this Act, is hereby created to consist of five reputable undertakers to be appointed by the Governor who shall select them from the persons engaged in the undertaking business in this State. The term for which the members of said Board of Examiners to be appointed shall hold their offices shall be for three years, except that the two members of the said Board of Examiners first to be appointed under this Act shall hold their offices for three years, the two members thereof next to be appointed shall hold their offices for two years and the other member next to be appointed shall hold his office for one year unless sooner removed by the Governor and until their successors shall be duly appointed. In case of a vacancy in said Board of Examiners said vacancy shall be filled in like manner by the Governor.

Term of  
office.

Board shall  
choose its  
officers.

Section 3. That said Board of Examiners shall choose one of its members President and one Secretary thereof, and said Board of Examiners may choose such other officers and agents as to it may seem necessary. It shall fix the time and

## OF BOARD OF UNDERTAKERS.

place of its meetings. A majority of said Board of Examiners shall at all times constitute a quorum, and the proceedings thereof shall at all reasonable times be open to public inspection. Shall fix time and place of meeting.

Section 4. That within three months after the approval of this Act it shall be the duty of every person, firm or corporation who is at that time engaged in the undertaking business in this State, to cause, in the case of a person, his or her name, in the case of a firm, the name of each member of said firm, and in case of a corporation, the names of the President and Secretary of such corporation, to be registered with said Board of Examiners, together with his, her or its place of business. That within the said time it shall also be the duty of every person assisting in the conduct or management of the undertaking business in this State, to cause his or her name to be registered with said Board of Examiners, together with the name of the person, firm or corporation engaged in the conduct or management of whose business he is assisting. Shall become registered.

The statement of every such person, firm or corporation shall be verified under oath, before a Notary Public or Justice of the Peace, in such a manner as may be prescribed by the said Board of Examiners. Every person, firm or corporation who shall so register with said Board may continue to prosecute the said undertaking business, or assist in the conduct and management thereof, and shall receive a certificate of such registration upon his, her or it paying the said Board One Dollar for such certificate, and such person, firm or corporation shall pay annually thereafter to the said Board of Examiners the sum of One Dollar for the renewal of said certificate. Statement must be verified under oath. Annual fee of one dollar.

Section 5. That any other person who shall desire to engage in the undertaking business in this State, or any other person who shall desire to assist in the conduct or management of said business, in this State, after the approval of this Act, shall appear at the time hereinafter pro- Shall be examined as to knowledge and skill.



## OF BOARD OF UNDERTAKERS.

vided for, before said Board of Examiners, and any other firm or corporation who shall desire to engage in said undertaking business in this State after the approval of this Act shall cause one of the members of such firm, or corporation to appear before said Board of Examiners at the time hereinafter provided for, and such person so appearing shall be examined with reference to his or her knowledge and skill in the undertaking business and if the examination of such person so appearing shall prove satisfactory to said Board of Examiners, the said Board, if they shall find that such person so examined, possesses the requisite qualifications, shall issue to such person or to such firm or corporation a certificate to that effect in accordance with the provisions of this Act, and upon the payment of the sum of Five Dollars, and such person, firm or corporation shall pay annually to said Board of Examiners, the sum of One Dollar for the renewal of said certificate. All certificates issued by said Board shall be signed by its officers and said certificates granted as aforesaid shall be prima facie evidence of the right of the holder to engage in the undertaking business in the State of Delaware, or to assist in the conduct or management of said business.

Shall pay the sum of \$5.

Certificate to become void.

New certificate may be issued.

Penalty for violation of any of the provisions of the act.

Section 6. That when any person upon whose examination a certificate was issued to any firm or corporation under the provisions of Section 5 of this Act, shall cease to be a member of said firm or corporation the right of said firm or corporation to continue in the said undertaking business shall cease and determine, but a new certificate may be issued to such firm or corporation in accordance with the provisions of said Section 5 of this Act, and upon the issuance of said new certificate the said firm or corporation shall again be entitled to all the benefits of this Act.

Section 7. That any person, firm or corporation who shall wilfully violate any of the provisions of this Act, shall be deemed guilty of misdemeanor and upon conviction thereof in the Court of General Sessions shall be fined not less

## OF BOARD OF UNDERTAKERS.

than Twenty-five Dollars, nor more than One Hundred Dollars.

Section 8. That the Board of Examiners shall meet within thirty days after the appointment of those whose appointment is heretofore provided for, and frame By-Laws governing the Board, and any person desiring to be examined by the said Board for a certificate, or any firm or corporation desiring the members of such firm or corporation to be examined by the said Board for a certificate, shall give notice of such desire, to the Secretary of the said Board, who shall notify the members thereof, and they shall within fifteen days from the receipt of such notice meet to examine such person, or such members of such firm or corporation, and give him, her or it proper notice of such meeting.

Board shall meet within thirty days.

Applicant shall give notice.

Board shall give notice.

Section 9. That any person, firm or corporation who is engaged in the undertaking business outside of this State, shall be entitled to all the benefits of this Act without complying with the provisions of Section 5 of this Act, upon payment by such person, firm or corporation of the sum of Twenty-five Dollars to said Board of Examiners, and the said Board upon payment of said sum shall issue to such person, firm or corporation a certificate authorizing him, her or it to transact business within this State, and such person, firm or corporation shall pay annually to said Board of Examiners the sum of One Dollars for the renewal of said certificate.

Persons outside the State shall be entitled to all the benefits upon payment of \$25.

Section 10. That the words undertaking business as used in this Act shall mean "The business of preparing for interment, and the interment of human dead bodies."

What is meant by "undertaking business."

Section 11. That all sums of money paid to said Board of Examiners as herein provided for shall be retained by said Board of Examiners for the use of said Board in defraying the necessary expense in carrying out and enforcing the provisions of this Act.

All monies paid in shall be for the use of the Board.

## OF BOARD OF UNDERTAKERS.

Not to prevent the rendering of any service under the supervision of a holder of certificate.

Section 12. Nothing in this Act shall prevent any person from performing any service or work for any person, firm or corporation engaged in the undertaking business in this State, where such work is being done under the supervision or control of a person, firm or corporation who is the holder of a certificate as is hereinbefore provided for.

Approved April 19, A. D. 1911.

## OF DELAWARE STATE TUBERCULOSIS COMMISSION.

## CHAPTER 86.

## OF DELAWARE STATE TUBERCULOSIS COMMISSION.

AN ACT to appropriate Money for the work of the Delaware State Tuberculosis Commission.

Whereas The Delaware State Tuberculosis Commission Preamble. is doing an important and necessary work for the public health in the State of Delaware; and

Whereas The moneys that they have in hand and the Preamble. State appropriation for their work have been found to be insufficient and inapplicable to the construction of proper buildings for the work of the Commission.

*Now Therefore Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Section 1. That the sum of Ten Thousand Dollars is hereby appropriated and authorized to be paid out of the Treasury of this State to The Delaware State Tuberculosis Commission, for the erection and equipment of buildings and the proper housing of tuberculosis citizens of the State of Delaware under its care in such place and places within the State of Delaware as may from time to time be determined upon by the Commission, provided, however, that no part of said appropriation shall be available or paid out of the Treasury of this State until an affidavit is filed with the State Treasurer, executed by the Chairman and Secretary of The Delaware State Tuberculosis Commission, certifying that they have received bona fide subscriptions, which are in the opinion of said Chairman and Secretary collectible, from private sources for purposes similar to those provided for in this Act, to the aggregate amount of at least Ten Thousand Dollars. The State Treasurer shall accept such affidavit when

Ten thousand dollars appropriated.

No part to be paid until certain conditions have been complied with.

## OF DELAWARE STATE TUBERCULOSIS COMMISSION.

Shall be a  
sufficient  
warrant to  
State  
Treasurer.

so filed with him as his sufficient warrant, and shall forth-  
with pay over to the said The Delaware State Tuberculosis  
Commission, out of the moneys in the Treasury of the State  
of Delaware, the sum of Ten Thousand Dollars.

Approved April 6, A. D. 1911.

## OF DELAWARE STATE TUBERCULOSIS COMMISSION.

## CHAPTER 87.

## OF DELAWARE STATE TUBERCULOSIS COMMISSION.

AN ACT to enable the Various Counties and municipalities of the State to give Financial Aid annually to the Delaware State Tuberculosis Commission.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two-thirds of the members elected to each House concurring therein) :*

Section 1. That the Levy Court of any county in this State, and the governing bodies of each and every municipality, in this State, are hereby authorized and empowered to give annually such financial aid and assistance to The Delaware State Tuberculosis Commission, as to any of the governing bodies of any such county or municipality may seem right and proper, in any sum whatever up to, but not exceeding Five Thousand Dollars, and for this purpose it shall be lawful for the governing body of any such county or municipality as aforesaid to appropriate from the public monies and funds in their control and direct to be paid over to the said The Delaware State Tuberculosis Commission any such sum or sums within the limit herein provided as any of said governing bodies may from time to time determine upon.

Authorized to give financial aid to the Delaware State Tuberculosis Commission.

Not to exceed \$5000.

May appropriate from any funds in their control.

Section 2. All laws or parts of laws inconsistent herewith are hereby repealed.

Section 3. This Act shall take effect from and after the date of its passage.

Approved March 20, A. D. 1911.

## OF BATTLE OF GETTYSBURG COMMISSION.

## CHAPTER 88.

## OF BATTLE OF GETTYSBURG COMMISSION.

AN ACT creating a Commission to be known as the Fiftieth Anniversary of the Battle of Gettysburg Commission; authorizing the Governor to appoint three members thereof, and fill vacancies that may occur therein; the Commission to consider and arrange for observance of the Fiftieth Anniversary of the Battle of Gettysburg; and report to next session of General Assembly; and making an appropriation for the payment of expenses of said Commission.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :*

Commission to be appointed.

Governor an ex-officio member.

Name of Commission.  
Duties of Commission.

Commission to make report at next session of General Assembly.

To fill vacancies.

No compensation other than actual expenses.

Two Hundred Dollars appropriated.

Section 1. That thirty (30) days after the approval of this Act, the Governor of the State shall appoint three (3) citizens of Delaware, who, when appointed, together with the Governor as an Ex-Officio member, shall constitute a Commission to be known as the Fiftieth Anniversary of the Battle of Gettysburg Commission, whose duty shall be to consider and arrange for a proper and fitting recognition and observance at Gettysburg, Pennsylvania, of the Fiftieth Anniversary of the Battle of Gettysburg; the commission to make report of its action with recommendations to the next session of the General Assembly of Delaware. The Governor shall make appointments to fill any vacancies that may occur in said commission. The members of the said commission shall serve without compensation, other than their actual and necessary expenses.

Section 2. For the purpose of carrying out the provisions of this Act, the sum of Two Hundred Dollars, or so much thereof as may be necessary, is hereby appropriated out of any moneys in the Treasury; said appropriation to be paid by warrants of the Commission drawn upon the State Treasurer, upon specifically itemized vouchers of the expenses of said Commission.

Approved April 13, A. D. 1911.

# TITLE SIXTH

## Of Religion, Public Education and Health.

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### CHAPTER 89.

#### OF RELIGIOUS SOCIETIES.

AN ACT to Amend Chapter 39 of the Revised Code of the State of Delaware as published in 1893, relating to the incorporation "of Religious Societies."

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two-thirds of all the members elected to each House of the General Assembly concurring therein) :*

Section 1. That Chapter 39 of the Revised Code of the State of Delaware, as published in 1893, be and the same is hereby amended by striking out all of Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 and 12 of said Chapter 39, and inserting the following in lieu thereof:

Chap. 39,  
Revised  
Code  
amended.

Section 1. Any religious society or congregation of Christians, consisting of fifteen or more persons, may become incorporated by the election of trustees, not less than three and not more than twelve, and the taking of a name and certifying the same, under the hands and seals of said trustees, to the recorder of deeds. Such society or congregation may from time to time increase the number of trustees not to exceed twelve, and may decrease the number to not less than three, by a vote of the society or congregation at a

Religious  
Society may  
become in-  
corporated  
now.

May increase  
number of  
trustees.

May de-  
crease the  
number.



## OF RELIGIOUS SOCIETIES.

Shall certify  
number to  
the Record-  
er of Deeds.

public meeting called for that purpose in the same manner as provided in Section 3 of this Act, for the election of trustees, voting and counting the votes as provided therein. If the Society or congregation shall by a plurality of votes of the members present determine to increase or diminish the number of trustees, such fact shall be certified to the recorder of deeds in and for the County in which such society or congregation shall have property, to be by him recorded in the deed records thereof, which certificate shall set forth the number of trustees heretofore contained in the act of incorporation and the number fixed by the meeting provided for by this act, and shall be signed by a majority of the new board of trustees. The recorder shall receive the same fees now provided by law for like services.

Fees of the  
Recorder.

May change  
the name of  
corporation.

Section 2. If at any time three-fourths of the trustees of the corporation created under the provisions of this act, or under the provisions of said Chapter 39, amended by this Act, shall think it wise to change the name of the said corporation, they may do this by certifying the same, under the hands and seals of three-fourths of said trustees, to the recorder of deeds, as provided for in the case of the filing of the original certificate mentioned in Section 1 of this Act.

Election of  
trustees.

Notice.

Section 3. Such trustees shall be elected at a public meeting of the society or congregation, held at their usual place of worship, on ten days notice by advertisements at the front door of such place, and by a plurality of votes of the members present.

Corporate  
powers.

Section 4. The trustees so elected and their successors shall be a corporation, by the name so adopted and certified; shall have perpetual succession with all the incidents and franchises of a corporation aggregate, and with power to purchase, receive, hold, mortgage and enjoy property, real and personal, for the use of the said society or congregation, their ministers or members, or for schools, almshouses or burying grounds. The act of a majority of the trustees shall be valid.

## OF RELIGIOUS SOCIETIES.

Section 5. All the estate, right and title which any such society, or congregation, may have in any property real or personal in themselves, or by trustees, or for their use before incorporation, shall upon incorporation, become vested in the said corporation, which may grant, demise or dispose thereof. Estate, right, title, vested in corporation.

Section 6. Other trustees may be elected, and vacancies filled by election, as prescribed in Section 3 hereof, and the election of a successor to any trustee shall remove him from office. Elections, vacancies, etc.

Section 7. The trustees shall choose one of their number Chairman. He shall have custody of the seal and all books and papers of the corporation, shall make fair entries therein of all the proceedings of the trustees, and every member of the society, or congregation, shall have access thereto. Shall choose a chairman.

Section 8. The registry, kept in any such books, or marriages, births, deaths, or burials, shall be evidence in all courts; and the copy of any entry, certified under the corporate seal and hand of the chairman, shall be evidence. Registry shall be evidence.

Section 9. The trustees may also choose one of their number treasurer, and may require him to give security. He shall receive and account for all the money of the corporation. If no treasurer be chosen, the chairman shall receive and account for such money. May choose a treasurer.

Section 10. The rector, wardens and vestrymen of any protestant episcopal church, on certifying their name, or style, as provided by section 1 or section 2 hereof, shall be a corporation, with the franchise, rights and powers therein vested in trustees of other religious societies. Shall be a corporation.

Section 11. But all gifts, or grants, to any such corporation, of any real estate, or of money, securities or other thing of value, to be laid out in real estate, shall be by deed duly executed, delivered, acknowledged and recorded at least Gifts or grants to be by deed and upon certain conditions.

## OF RELIGIOUS SOCIETIES.

one year before the death of the donor or grantor, to take effect presently for the use of the corporation, and without any power of revocation, trust, condition, or limitation whatever, or the same shall be void, unless such grant shall be really and bona fide for a full and valuable consideration actually paid, without fraud, or collusion, before executing such deed.

Real estate  
granted by  
deed, will or  
other con-  
veyance.

Section 12. All real estate, bona fide given, or granted by will, deed, or other conveyance to any religious society, or congregation, or to any one in trust for them, or to their use, before the twentieth of October, A. D. 1744, shall be for the use of the same, according to the intent of the donor or grantor, and the form and effect of the will, deed or conveyance; provided, that the said society, or congregation, shall have been for twenty years hitherto in the adverse and quiet possession of the same.

Approved March 14, A. D. 1911.

## OF RELIGIOUS SOCIETIES.

## CHAPTER 90.

## OF RELIGIOUS SOCIETIES.

AN ACT to validate and make Lawful the Incorporation and Acts of Certain Religious Societies.

Whereas, some doubts have arisen as to whether religious societies in Delaware should incorporate exclusively under Chapter 273, Volume 21, Laws of Delaware, entitled "An Act providing a General Corporation Law," since the passage of said Act on March 10, A. D. 1899, and the amendments thereto, or whether they may still incorporate under Chapter 39, of the Revised Code of the State of Delaware, as published in 1893, and Chapter 599, Volume 19, Laws of Delaware, passed April 18, 1893, and

Preamble.

Whereas, since March 10, 1899, religious societies have been incorporated under the three above named laws; now therefore

Preamble.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each house concurring therein) :*

Section 1. All religious corporations of the State of Delaware heretofore incorporated under Chapter 273, Volume 21, Laws of Delaware, entitled "An Act Providing a General Corporation Law," and the amendments thereto, and all religious corporations of the State of Delaware incorporated since March 10, A. D. 1899, under said Chapter 39, of the Revised Code of the State of Delaware, as published in 1893, and under said Chapter 599, Volume 19, Laws of Delaware, are hereby made good, valid, lawful and effective in law and all lands vested in, conveyed to and by such corporations, shall vest a good fee simple title or other estate therein purported to be conveyed, and all acts and things heretofore done or hereafter to be done by such corpora-

All religious corporations made lawful, and their acts good and valid.

## OF RELIGIOUS SOCIETIES.

tions, or their officers, in the usual and due course of the business of such corporations and within the lawful scope of the rights and powers conferred by the respective acts under which they were incorporated, and in pursuance of the lawful purposes for which such corporations were created, are hereby made good, valid, lawful and effective to perform and do what they purport to perform and do, and the record of any such deed heretofore recorded or hereafter to be recorded, or other completed act heretofore done or hereafter to be done, or any office copy of such deed or other act, shall be admitted in evidence in all courts of this State, and shall be valid and conclusive evidence, with the same force and effect as if no doubt existed as to the validity of the incorporation of such religious societies under either act.

Section 2. This act shall be taken to be a public act.

Approved March 14, A. D. 1911.

OF RELIGIOUS SOCIETIES.

CHAPTER 91.

OF RELIGIOUS SOCIETIES.

AN ACT to re-enact an act entitled: "An Act <sup>\*</sup>in in Relation to Roman Catholic Religious Corporations," as published in Chapter 599, Volume 19, Laws of Delaware, and passed April 18th, 1893.

*Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met, (two-thirds of all the members elected to each House of the General Assembly concurring therein) :*

Section 1. That Chapter 599, Volume 19, Laws of Delaware, entitled "An Act in Relation to Roman Catholic Religious Corporations," passed April 18th, 1893, be and the same is hereby reenacted.

Chap. 599,  
Vol. 19, re-  
enacted.

Approved March 14, A. D. 1911.

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<sup>\*</sup>So enrolled.

## OF THE SCHOOL FUND.

## CHAPTER 92.

## OF THE SCHOOL FUND.

AN ACT to further amend Chapter 112, Volume 22, Laws of Delaware, entitled, "An Act prescribing the method of apportioning the Public School Fund among the School Districts of this State," by increasing the number of teachers upon which such apportionment may be made for any District or school.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Chap. 112.  
Vol. 22.  
further  
amended.

Section 1. That Chapter 112, Volume 22, Laws of Delaware, entitled, "An Act prescribing the method of apportioning the Public School Fund among the School Districts of this State," as the same has since been amended, be, and the same is hereby further amended by striking out the words "one hundred and sixty-five" where they occur in the thirty-fifth and thirty-sixth lines of Section 2 of said Act, as the same has been amended, and inserting in lieu thereof the words "two hundred."

Words "two  
hundred"  
inserted.

Approved April 27, A. D. 1911.

## OF FREE SCHOOLS.

## CHAPTER 93.

## OF FREE SCHOOLS.

AN ACT to provide for moral and humane education in the public schools and to prohibit certain practices inimical thereto.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Section 1. That it shall be the duty of every teacher of a public school in this State to teach the pupils thereof honesty, kindness, justice and moral courage for the purpose of lessening crime and raising the standard of good citizenship.

Duty of public school teachers.

Section 2. In every public school within this State not less than one-half hour of each week, during the whole term of school, shall be devoted to teaching the pupils thereof kindness, justice, humane treatment and protection to birds and animals and of their important part in the economy of nature. It shall be optional with each teacher whether it shall be a consecutive half-hour or a few minutes daily, or whether such teaching shall be through humane reading, daily incidents, stories, personal example or in connection with nature-study, or recitations or quotations bearing upon these virtues memorized by the pupil.

Not less than one-half hour each week to be devoted to moral and humane teaching.

Mode of teaching optional.

The memorizing and reciting by each pupil to the teacher of quotations or a declamation of not less than fifty words, and upon these subjects shall be equivalent to and take the place of four week's requirements named in this Section.

Shall be equivalent to above requirements.

The City of Wilmington is exempt from the provisions of this Bill.

City of Wilmington exempt.

Section 3. No experiment upon any living creature for the purpose of demonstration in any study shall be made in any public school of this State. No animal provided by, nor

No experiment upon any living creature shall be made.



## OF FREE SCHOOLS.

killed in the presence of any pupil of a public school, shall be used for dissection in such school, and in no case shall dogs or cats be killed for such purpose. Dissection of dead animals or any parts thereof, shall be confined to the class room and shall not be practiced in the presence of any pupil not engaged in the study to be illustrated thereby.

Superintendent of Schools to include in program of Teachers' Institute.

Section 4. The superintendent of schools of each county and of each City shall include once each year moral and humane education in the program of the Teachers' Institute which is held under his or her supervision.

Compensation of teachers withheld for failure to comply with the provisions of this act.

Section 5. That no teacher in the public schools within the State of Delaware shall be entitled to receive any portion of the public school moneys as compensation for services rendered unless such teacher shall have complied with the provisions of this Act.

Section 6. All acts or parts of acts in conflict herewith are hereby repealed.

Section 7. This act shall take effect and be in force from and after its passage and approval.

Approved April 19, A. D. 1911.

## OF FREE SCHOOLS.

## CHAPTER 94.

## OF FREE SCHOOLS.

AN ACT in Relation to the State Board of Education, its Creation, Membership, Powers and Duties, and also in further amendment of the Act entitled "An Act concerning the Establishment of a General System of Free Public Schools," being Chapter 67 of Volume 21 of the Laws of Delaware.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Section 1. That the State Board of Education, as the same is now constituted, be and the same is hereby abolished.

Board  
abolished.

Section 2. That the Act entitled "An Act concerning the establishment of a general system of free public schools," approved May 12, 1898, being Chapter 67 of Volume 21 of the Laws of Delaware, be and the same is hereby amended by striking out the first two sections of said Act and by inserting in lieu thereof the following:

Chap. 67.  
Vol. 21.  
amended.

"Section 1. The general supervision and control of the free public schools of this State, including those for colored children, shall be vested in a State Board of Education, composed of seven members. Upon the approval of this Act, the Governor of this State shall appoint seven members of the State Board of Education, one of them to be appointed for one year, one for two years, one for three years, one for four years, one for five year, one for six years, and one for seven years, their terms of office to begin on the first day of April, nineteen hundred and eleven. The Governor shall annually thereafter appoint a member of said State Board of Education for the full term of seven years and any vacancy in said Board shall be filled for the remainder of the term in the same manner. They shall serve without any compensa-

Board of  
Education  
composed of  
seven mem-  
bers.

Governor to  
appoint.  
Manner of  
appointment.

Terms of of-  
fice to com-  
mence.

Governor  
shall an-  
nually for  
full term.

Vacancy to  
be filled for  
remainder  
of term.

## OF FREE SCHOOLS.

No compensation.

tion other than the payment of the necessary expenses incurred in the performance of their duties as members of the Board.

Object of the State Board of Education.

Section 2. The object of the State Board of Education shall be to systematize and harmonize the work in the various free schools of this State, to render said schools more useful and efficient and to raise the standard of instruction and education therein. The said Board shall have power to make, and to cause to be enforced, all such rules and regulations for the conduct of the schools aforesaid, and for the work done and instructions imparted therein, as it shall deem necessary for the attainment of the object aforesaid.

Shall have power to make and cause to be enforced, rules and regulations.

To prescribe the text books.

Additional duties and powers of the Board.

In furtherance and not in limitation of power aforesaid, the said Board shall have power to prescribe the text books to be furnished the schools as hereinafter provided, and to make contracts for the prices at which such books shall be furnished; to regulate the curricula in the schools, to determine when and upon what conditions and under what restrictions the County Superintendents shall issue certificates to teachers or applicants to teach; and to prescribe rules and regulations for the sanitary equipment and inspection of school buildings and to take such other action as it may deem necessary and expedient to promote the physical and moral welfare of the children of the free schools of this State.

May require teachers to furnish needed information.

The said State Board shall make investigation of such facts and conditions as will give a fuller knowledge of the needs of our schools, and to this end may require teachers and school officers to furnish all needed information concerning the particular schools and school districts in charge of such teachers and school officers; and it may, if it deem necessary, employ for a limited period a trained educator or educational expert to advise said State Board and to assist it in the performance of its duties.

May employ a trained educator or expert.

## OF FREE SCHOOLS.

The said State Board of Education is hereby vested with sole and exclusive jurisdiction to hear and determine finally all appeals from the several County School Commissions hereinafter created and all appeals of teachers, applicants for Certificates, County Superintendents and members of School Committees and Boards of Education.

To hear and determine all appeals.

The rules, regulations and decisions made by the said State Board shall be followed and acted upon by the State Auditor in settling the accounts of school officers, and by the State Treasurer and Trustee of the School Fund in making the apportionment of State appropriations to schools, and the distribution thereof.

State Auditor shall follow and act upon rules, decisions, etc., made by Board.

The said State Board shall report and recommend to the Governor and the General Assembly, such legislation as it deems will promote the cause of Education in this State.

Shall report and recommend to the Governor.

The State Auditor shall be the Secretary of the said State Board but shall have no vote or voice in its proceedings. The said Board shall have such other officers as it deems necessary, define their duties and elect them annually. It shall fix the times of its regular meetings and the manner of calling special meetings. It shall make its own by-laws and all regulations deemed necessary to carry on the proper work and affairs of the Board. Absence from two consecutive meetings of the State Board by any of its members, except for cause considered good by a majority of the members at the second consecutive meeting, shall be deemed a vacancy which shall be filled by the Governor accordingly. Its regular meeting place shall be in Dover but it may from time to time hold meetings at other places. It shall have the right to use for its meetings the office of the State Auditor or such room in the State House and Administration Building as shall not be in use at the time of its meeting.

State Auditor to be secretary, but shall have no vote.

Shall fix time of meetings.

Absence from two consecutive meetings may be deemed a vacancy.

To be filled by the Governor.

Regular meeting place shall be in Dover.

Shall have the right to use the State Auditor's office.

The State Treasurer shall out of any moneys in the general fund of the State, pay all bills for the necessary expenses incurred by the members of the said State Board in

State Treasurer shall pay bills and necessary expenses.

## OF FREE SCHOOLS.

Postage,  
stationery,  
printing, etc.

the performance of their duties as such members, whenever such bills shall be presented, countersigned by its then president and secretary, and the said State Treasurer shall also pay such other bills incurred by the said State Board of Education for postage, stationery and printing and for services rendered to the Board, as shall be countersigned as aforesaid."

Sec. 23,  
further  
amended.

Section 3. That Section 23 of the Act aforesaid be and the same is further amended by striking out the words "He shall make and sign a Certificate to each person passing such examination as hereinafter provided;" in lines thirty-two, thirty-three and thirty-four of page 197 of Volume 21 of the Laws of Delaware, and by inserting in lieu thereof the following: "He shall deliver a Certificate, signed by himself, to every teacher or applicant to teach, whom he shall find to be entitled to such Certificate, under the rules and regulations of the State Board of Education in relation to the same, such Certificate to be subject to the conditions and restrictions imposed by said State Board;"

Sec. 24, as  
amended,  
further  
amended.

Section 4. That Section 24 of the Act aforesaid as amended by Chapter 113 of Volume 22 of the Laws of Delaware, be and the same is hereby amended by striking out all of said Section 24 between the words "Section 24" in the first line of said Section and the words "Every teacher in the free public schools of the State" in the fifth line of page 199 of Volume 21 of the Laws of Delaware, and by inserting in lieu thereof the following: "Every person of good moral character who holds an unexpired Certificate of a County School Superintendent issued to him or her under and in conformity with the rules and regulations of the State Board of Education, shall be qualified to teach in the schools of the County of such Superintendent so long as said Certificate shall continue in force."

Approved March 14, A. D. 1911.

## OF FREE SCHOOLS.

## CHAPTER 95.

## OF FREE SCHOOLS.

AN ACT to amend Chapter 67, Volume 21, Laws of Delaware, entitled, "An Act concerning the establishment of a general system of Free Public Schools," relative to the collection of school taxes.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Section 1. That Chapter 67, Volume 21, Laws of Delaware, entitled, "An Act concerning the establishment of a general system of Free Public Schools" be and the same is hereby amended by adding after the word "delinquent" and before the word "said" where they occur in the fifteenth line of the third paragraph of Section 20 of said Act the following: "and the further and additional sum of five per centum on said tax as a penalty for non-payment thereof;" that said Chapter 67 of Volume 21 be further amended by adding after the word "costs" and before the word "or" in the nineteenth line of paragraph 3 of Section 20 of said act, the following: "including five per centum additional on the amount of said taxes;" that said Chapter 67 of Volume 21 be further amended by adding after the word "judgment" where it occurs in the twenty-third line of paragraph 3 of Section 20 of said act the following: "the person so served with notice and having in his possession goods, chattels, rights or credits, moneys or wages belonging or owing to said taxable, shall be entitled to the sum of twenty cents as compensation for his trouble, and is hereby authorized to deduct said amount from any moneys or wages in his hands belonging to said taxable."

Chap. 67.  
Vol. 21.  
amended.

Chap. 67.  
Vol. 21.  
further  
amended.

Chap. 67.  
Vol. 21.  
further  
amended.

Approved April 6, A. D. 1911.

## OF FREE SCHOOLS.

## CHAPTER 96.

## OF FREE SCHOOLS.

AN ACT to Amend Chapter 341, Volume 22, Laws of Delaware, entitled, "An Act to encourage the Education at Normal Schools of certain persons intending to teach in the Public Schools.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Sec. 1, Chap.  
341, Vol. 22,  
amended.

Section 1. That Section 1 of Chapter 341, Volume 22, Laws of Delaware, entitled, "An Act to Encourage the Education at Normal Schools of Certain Persons intending to Teach in the Public Schools," be hereby amended by striking out the words "One Thousand" where they occur in the fourth line of said Section and inserting in lieu thereof the words "One Thousand, Five Hundred."

Sec. 2, Chap.  
341, Vol. 22,  
amended.

Section 2. That Section 2 of said Chapter 341, Volume 22, Laws of Delaware, be hereby amended by striking out the words "for such time as the Commission shall, in each case, appoint," where they occur in the thirteenth and fourteenth lines of said Section, and inserting in lieu thereof the words "for at least two years next following such date."

Sec. 2  
further  
amended.

Section 3. That said Section 2 of said Act be hereby further amended by adding after the word "determine" in the twentieth and twenty-first lines of said Act, the words "The form of said bond shall be prepared for the said Commission by the Attorney General."

Sec. 3 of act  
amended.

Section 4. That Section 3 of said Act be hereby amended by striking out the words "Two Dollars" where they occur in the eighth line of said Section and inserting in lieu thereof the words "Two Dollars and a Half."

Approved April 4, A. D. 1911.

OF FREE SCHOOLS.

CHAPTER 97.

OF FREE SCHOOLS.

AN ACT Appropriating the sum of Two thousand six hundred and eight dollars and seventy cents to certain Graded Schools to cover an insufficiency in the amount applicable out of the sum appropriated to carry out the provisions of "An Act providing Graded School facilities for the children of this State."

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Section 1. That the sum of Two thousand and six hundred and eight dollars and seventy cents (\$2,608.70) be and the same is hereby appropriated to be paid to the graded schools hereinafter designated to cover an insufficiency in the amount applicable out of the moneys appropriated to carry out the provisions of "An Act providing graded school facilities for the children of this State" and that the sum shall be paid to the graded schools and in the amounts hereinafter designated as follows to wit:

\$2,608.70 appropriated to the graded schools of the town of Milford and the City of Wilmington.

To the Board of Education of the Town of Milford, \$821.60.

To the Board of Education of the City of Wilmington, \$1,787.10.

Approved February 24, A. D. 1911.



## OF FREE SCHOOLS.

## CHAPTER 98.

## OF FREE SCHOOLS.

AN ACT for the improvement of the School Houses for colored children in this State, and making an appropriation therefor.

Preamble. Whereas, Some of the buildings now used by the colored people for school houses are unfit and inadequate for the purpose; and

Preamble. Whereas, The financial condition of the colored people is such that they cannot afford to build school houses through taxation, solely, as provided in the General School Laws of the State; therefore

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :*

Appropriation for repairing, enlarging and building school houses for colored children. Section 1. That the sum of two thousand five hundred dollars annually for two years is hereby appropriated from the State Treasury for the purpose of repairing, enlarging and building school houses for the colored children of this State, said amount to be divided amongst the three counties of the State and to be under the control and direction of the County School Commission for each county, as follows: One Thousand dollars each to Kent and Sussex Counties, and five hundred dollars to New Castle County.

How divided.

County School Commission to decide as to location, or nature and extent of repairs. Section 2. Each County School Commission shall decide, after conference with the school committees of the respective districts, upon the location of the school, or the nature and extent of repairs or enlargement that may be necessary, and before the commencement of the work shall determine the amount that is to be appropriated to the particular district.

Shall determine amount.

How paid. Section 3. That the amount herein appropriated shall be paid by the State Treasurer on warrants drawn by the

OF FREE SCHOOLS.

President of the respective County School Commissions, attested by the Secretary of the Commission, and accompanied by the original bills, subject to the approval of the State Auditor.

Approved April 4, A. D. 1911.

## OF FREE SCHOOLS.

## CHAPTER 99.

## OF FREE SCHOOLS.

AN ACT for the relief of certain graded Schools in New Castle County.

Preamble.

Whereas, through an oversight the teachers or principals of United School Districts Numbers 45 and 46 and of United School Districts Numbers 52 and 76 in New Castle County, failed to certify to the State Board of Education, within ten days from their admission the number and names of certain non-resident pupils who are attending the said United School Districts during the school year 1910-1911, by reason whereof the said United School Districts are in danger of being deprived by the State aid to which they are entitled under the provisions of "An Act providing Graded School facilities for the Children of the State."

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :*

State Board  
of Educa-  
tion author-  
ized to ac-  
cept certifi-  
cates of at-  
tendance.

Section 1. That the State Board of Education is hereby authorized and directed to accept from the teachers or principals of the said United School Districts Numbers 45 and 46 (being the Board of Public Education for the City of New Castle) and United School Districts Numbers 52 and 76 (being the Delaware City Public Schools) the certificates of attendance under the provisions of "An Act providing Graded School facilities for the Children of the State," and the said State Board of Education shall certify the substance of such certificates to the State Treasurer as if the same had been duly filed under the provisions of said Act providing for graded school facilities.

Shall certify  
to the State  
Treasurer.

One thous-  
and and  
fifty-three  
dollars ap-  
propriated.

Section 2. That the sum of One Thousand and Fifty-three Dollars, or such part thereof as may be necessary, be and the same is hereby appropriated to cover any insuffi-

## OF FREE SCHOOLS.

ency in the money applicable out of the moneys appropriated to carry out the provisions of "An Act providing Graded School facilities for the Children of this State," and that the said sum shall be paid to the graded schools in the amounts following:

To United School Districts Numbers 45 and 46, the sum <sup>\$358 to</sup> of Eight Hundred and Fifty-eight Dollars, or such part <sup>United</sup> thereof as such Districts may be entitled to under the pro- <sup>School Dis-</sup> visions of "An Act providing Graded School facilities for the <sup>tricts Nos.</sup> Children of this State." <sup>45 and 46.</sup>

To United School Districts Numbers 52 and 76, the sum <sup>\$195 to</sup> of One Hundred and Ninety-five Dollars, or such part there- <sup>United</sup> of as such Districts may be entitled to under the provisions <sup>School Dis-</sup> of "An Act providing Graded School facilities for the Chil- <sup>tricts Nos.</sup> dren of this State." <sup>52 and 76.</sup>

Approved April 13, A. D. 1911.

## OF FREE SCHOOLS.

## CHAPTER 100.

## OF FREE SCHOOLS.

AN ACT changing the date for holding the annual meeting and election in United School Districts Numbers 23 and 75 in New Castle County.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Date of holding annual meeting and election.

Section 1. That from and after the passage of this Act, the annual meeting and election in United School Districts Numbers 23 and 75 in New Castle County, shall be held on the last Saturday in June in each year at two o'clock in the afternoon.

Approved April 4, A. D. 1911.

## OF FREE SCHOOLS.

## CHAPTER 101.

## OF FREE SCHOOLS.

AN ACT to amend Chapter 613, Volume 19, Laws of Delaware, entitled, "An Act to divide school district Number 53 of New Castle County, Delaware, into two districts and for other purposes," by providing that the school district incorporated by said Act shall have perpetual succession, and changing the time for holding the annual school election.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two-thirds of the members elected to each House concurring therein) :*

Section 1. That Chapter 613, Volume 19, Laws of Delaware, entitled "An Act to divide school district number 53 of New Castle County, Delaware, into two districts and for other purposes," be, and the same is hereby amended by inserting between the word "schools" and the word "and" where they occur in the eighth line of Section 2 of said Act, the following: "and shall have perpetual existence and succession," and that said Act be further amended by striking out the word "last" where it occurs in the second line of Section 3 thereof, and inserting in lieu thereof the word "first."

Chap. 613,  
Vol. 19,  
amended.

Approved March 28, A. D. 1911.

## OF FREE SCHOOLS.

## CHAPTER 102.

## OF FREE SCHOOLS.

AN ACT changing the date for holding the school elections in United Districts Nos. 77, 99 and 99½ in New Castle County.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :*

Time for  
holding  
school elec-  
tion changed.

Section 1. That from and after the passage of this Act the regular school election in United Districts Nos. 77, 99 and 99½ in New Castle County in this State shall be held on the last Saturday in June in each year at four o'clock in the afternoon.

Approved March 14, A. D. 1911.

## OF FREE SCHOOLS.

## CHAPTER 103.

## OF FREE SCHOOLS.

AN ACT to amend Chapter 366 of Volume 16, Laws of Delaware, changing the date of holding the annual election of directors of the Smyrna Public School and date of organizing its Board of Directors.

*Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met (two-thirds of each branch of the Legislature concurring) as follows:*

Section 1. That Chapter 366 of Volume 16 of the Laws of Delaware, entitled "An Act to Consolidate the Public Schools of the Town of Smyrna," be and the same is hereby amended by striking out the words "first Saturday in April" where the same occur in the last part of Section 2 of said Act and inserting in lieu thereof the words "last Saturday in June."

Chap. 366,  
Vol. 16,  
amended.

Words, "last  
Saturday in  
June," in-  
serted.

Section 2. That said Chapter 366 of Volume 16 of the Laws of Delaware be and the same is further amended by striking out the words "first Saturday of April" when the same occur in Section 6 of said Act and inserting in lieu thereof the words "last Saturday in June."

Approved February 24, A. D. 1911.



## OF FREE SCHOOLS.

## CHAPTER 104.

## OF FREE SCHOOLS.

AN ACT fixing the time for holding annual School meetings of "The Clayton Public Schools."

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Time and  
place of  
holding  
school meet-  
ings.

Section 1. That from and after the approval of this Act the annual School meetings of "The Clayton Public Schools" shall be held on the last Saturday of June of each year at the school house of said District, the polls to remain open from two o'clock until four o'clock in the afternoon.

Approved March 14, A. D. 1911.

## OF FREE SCHOOLS.

## CHAPTER 105.

## OF FREE SCHOOLS.

AN ACT in relation to the securing of additional Land, and providing additional Buildings for School purposes by the Board of Education of the Dover Public Schools, and the issuance of bonds in payment therefor.

*Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met, (two-thirds of the members elected to each House thereof concurring therein):*

Section 1. That the Board of Education of the Dover Public Schools be and the same is hereby authorized and empowered to provide additional School buildings for the use and benefit of its School District, and to this end, the said Board is hereby vested with full power and authority to acquire and hold such and so much real estate in the town of Dover as the said Board shall deem proper, and to erect school buildings thereon, or to alter, add to and enlarge any building being on the real estate when acquired as aforesaid so that such building may be available for school purposes, and fully to furnish and equip such buildings as aforesaid in a suitable manner for the purpose aforesaid.

Authorized to provide additional school buildings.

Power to acquire real estate.

To erect, alter, and equip school buildings.

Section 2. That the said The Board of Education of the Dover Public Schools shall have full and free right and authority to enter upon any lands in the town of Dover aforesaid and into any buildings being on such land for the purpose of inspecting and surveying the same in order that said Board may determine whether the acquisition of the same under the power conferred by Section 1 of this Act would be expedient. The said Board shall have authority to purchase any real property in the town of Dover which it shall select for the purpose aforesaid from the owner or owners thereof, upon such terms as may be agreed upon. In case the said

Power to enter upon lands, etc., for certain purposes.

Authority to purchase.

## OF FREE SCHOOLS.

If unable to agree upon the terms, Associate Judge may appoint five freeholders to assess damages.

Freeholders not to reside in, or own real estate in district.

Notice of petition.

How served.

Oath or affirmation of freeholders.

The Board of Education of the Dover Public Schools shall be unable to agree with the owner or owners of any real estate selected as aforesaid for the purchase thereof, either by reason of inability to agree upon the terms of such purchase or because any owner thereof is a minor or under any legal disability or is unknown or for any reason is unwilling to make or incapable of making a deed, conveying to the aforesaid The Board of Education of the Dover Public Schools, a good and perfect title to the real property aforesaid in fee simple, said Board may apply to the Associate Judge of this State, resident in Kent County, by petition, and the said Judge shall appoint five judicious and impartial freeholders of Kent County to view the premises and assess the damages which the owner or owners will sustain by reason of the taking and using of such real property. The said freeholders shall not reside in the School District affected by this Act nor shall they own any real estate situated within the limits of said School District. The said Board shall give the owner or owners of such real property notice of its intention to present the petition aforesaid. Such notice shall be served upon said owner or owners in writing at least five (5) days before the presenting of said petition, if such owner or owners be within the School District affected by this Act, but if such owner or owners shall not be within said District at the time, then said notice shall be left with the tenant of said real property (or if there \*by no tenant, shall be posted on the premises), at least ten (10) days before the presenting of said petition, and if said notice shall not be served personally upon the owner or owners, such notice shall also be printed in two or more newspapers published in the town of Dover in one issue thereof, which shall appear at least five (5) days before the time of presenting the petition aforesaid. The freeholders appointed as aforesaid shall be sworn or affirmed severally before entering upon the premises to perform the duties assigned them faithfully and impartially.

\*So enrolled.

## OF FREE SCHOOLS.

Such oath or affirmation may be made before any Judge or Justice of the Peace. The said free-holders shall give notice of the time of their meeting to view the premises. Such notice shall be given in the same manner and for the same time as is prescribed in this Section with respect to the notice of the presentation of the petition for the appointment of the free-holders aforesaid. The said free-holders or a majority of them, shall certify their finding and award to the owner or owners of the real property aforesaid by serving a copy of such finding and award upon such owner or owners, if within the School District aforesaid at such time, but if such owner or owners shall not be within said School District at such time, then a copy of said finding and award shall be left with the tenant of the real property aforesaid, if there be a tenant, or if there be no tenant, the said finding and award shall be printed in at least one issue of at least two newspapers published in the town of Dover. The said free-holders shall also certify their finding and award to The Board of Education of the Dover Public Schools by serving a copy thereof upon the President of the said Board, or if said President shall not be within the School District aforesaid at such time, then by leaving a copy of said finding and award at the dwelling house or usual place of abode of said President. If either party be dissatisfied with the damages assessed, the party so dissatisfied may, within twenty (20) days after the date of the certifying of the finding and award of the free-holders as aforesaid, present a petition for review to the Associate Judge of this State, resident in Kent County, first giving notice to the other party or parties affected. If the party dissatisfied be The Board of Education of the Dover Public Schools, such notice shall be given to the owner or owners of the real property aforesaid in the same manner and for the same time as prescribed in this Section with respect to the time of presenting the Petition for the appointment of the first set of free-holders. In case the party dissatisfied shall be any owner or owners of said real property, the notice of the presenting of the peti-

Notice of  
freeholders.

Finding and  
award to be  
certified to  
owner.

Shall certify  
to Board of  
Education.

In case of  
dissatisfac-  
tion may  
petition for  
a review.

If Board of  
Education  
be dissat-  
isfied.

If owner of  
land be dis-  
satisfied.

## OF FREE SCHOOLS.

Five other freeholders may be appointed.

tion for review shall be given to the President of the said Board of Education or shall be left at his dwelling house or usual place of abode. Upon the presentation of any such petition for review, the said judge shall appoint five other judicious and impartial free-holders of Kent County, not residing in the School District aforesaid and not owning any real property situated in said District. The said freeholders shall be sworn or affirmed severally as hereinbefore prescribed with regard to the freeholders appointed on the first petition and shall give notice of the time of their meeting to view the premises and assess the damages precisely as prescribed with respect to the notice to be given of the time of the meeting of the free-holders appointed on the first petition, and the said free-holders or a majority of them, shall certify their finding and award to the several parties affected, in the same manner as in this Section is prescribed with respect to the certifying of the finding and award of the first set of free-holders. The finding and award of the freeholders appointed on the petition for review, or a majority of them, shall be final.

Finding and award to be final.

Assessment of damages.

In assessing the damages, either under the first petition or under the petition for review, the free-holders shall in no case award a sum less than what in their opinion is the actual cash value of the real property condemned.

Findings of a majority shall be binding.

The acts, doing and findings of a majority of the freeholders shall be as binding and effectual as the acts, doings and findings of all, both in the case of those free-holders first appointed and in the case of those appointed on the petition for review.

Chief Justice or the Chancellor may act in place of Associate Judge.

In case the Associate Judge of this State, resident in Kent County, shall be unable to act under the provisions of this Section, by reason of illness or absence from the County, or otherwise, then either the Chief Justice or the Chancellor of this State shall and is hereby authorized and directed to act in the place and stead of said Associate Judge.

## OF FREE SCHOOLS.

Section 3. Upon failure to present a petition for re-  
view, after due notice, as prescribed in Section 2, of this  
Act, or upon the final determination of the damages assessed  
under a petition for review duly made under the provisions  
of Section 2 of this Act, the said The Board of Education of  
the Dover Public Schools shall, within twenty (20) days  
after such failure or such final determination as aforesaid,  
decide whether such damages shall be paid and such real  
property acquired, and if it shall decide that such real prop-  
erty shall be acquired, it shall cause the said damages so as-  
sessed to be paid within twenty (20) days aforesaid to the  
party or parties entitled, or may pay the same into the Su-  
perior Court of the State of Delaware, in and for Kent  
County or to the Prothonotary of said Court in vacation, for  
the use of the owner or owners of the real property con-  
demned as aforesaid. Upon payment of said damages as  
aforesaid, the title to the real property condemned shall be  
vested in The Board of Education of the Dover Public  
Schools and shall be and become its absolute property for  
the purpose set forth in Section 1 of this Act. All fees and  
costs of the proceedings for the condemnation of the real  
property aforesaid as provided in this Act, shall be paid by  
The Board of Education of the Dover Public Schools. Each  
free-holder appointed under the provisions of Section 2 of  
this Act, who shall perform his duties as prescribed by this  
Act, shall be entitled to a fee of Three Dollars (\$3.00) which  
shall be paid him by The Board of Education of the Dover  
Public Schools within ten (10) days after the completion of  
his duties.

Upon failure  
to present  
petition.

Time within  
which to  
decide.

Title to be  
vested upon  
payment of  
damages.

Freeholders  
to be al-  
lowed \$3.

Section 4. In case The Board of Education of the Dover  
Public Schools shall pay any damages awarded in the con-  
demnation proceedings authorized by this Act into the Su-  
perior Court of the State of Delaware, in and for Kent  
County or to the Prothonotary of said Court in vacation, for  
the use and benefit of the owner or owners of the real prop-  
erty condemned as aforesaid, the said Court shall, upon peti-  
tion of any person interested in the damages so paid, make

Damages  
awarded  
may be made  
subject to  
unpaid liens.

## OF FREE SCHOOLS.

such order for the payment or distribution of the funds so paid as the Court shall determine to be proper, said funds being deemed to be subject to unpaid liens, which, at the time of the condemnation, bound the real property as aforesaid.

Authorized  
to borrow  
\$25,000.

Section 5. To provide such funds or such additional funds as shall be required by The Board of Education of the Dover Public Schools under the provisions of this Act, the said The Board of Education of the Dover Public Schools is hereby authorized and empowered to borrow a sum, not exceeding Twenty-five Thousand Dollars (\$25,000) and to issue bonds for the payment thereof.

To issue  
bonds.

Denomina-  
tion of bonds.

How  
numbered.

Rate of  
interest.

Section 6. The denomination of said bonds shall be the sum of One Thousand Dollars each, and they shall be numbered consecutively, beginning with number one. The said bonds shall bear such rate of interest, not exceeding six per centum per annum, as the said Board of Education may determine, and the said rate so determined shall be stated in the terms of said bonds. The interest upon said bonds shall be payable semi-annually in each and every years from the date of issue thereof.

Interest  
payable  
semi-an-  
nually.

Date of  
bonds.

Where  
payable.

How  
payable.

Board may  
elect to re-  
deem bonds.

Section 7. The said bonds shall bear date as of the date of their issue and the principal thereof shall be payable at the Farmers Bank of the State of Delaware, at Dover, at the expiration of thirty years from such date; but the said bonds, or any of them, may, if the said Board of Education shall deem expedient, contain a provision for the redemption of such bonds at the option of the said Board of Education at such period prior to the expiration of thirty years from their date as the said Board of Education shall fix and designate in said bonds; provided, however, that if The Board of Education of the Dover Public Schools shall elect to redeem any of said bonds within the period of thirty years from the date, the said Board of Education shall give notice, signed by the President of said Board of Education and by the Treasurer of said Board of Education, advertised for the space of

## OF FREE SCHOOLS.

thirty days in one newspaper published in the City of Wilmington in this State, and in one newspaper published in the City of Philadelphia, in the State of Pennsylvania; such notice shall indicate the bonds called, and in making such calls, the Board of Education shall call the bonds according to their number, beginning with the lowest number, and the interest on said bonds shall cease from the date set for redemption in any of said calls.

Section 8. The Board of Education of the Dover Public Schools shall direct and effect the preparation, printing and sale of said bonds authorized by this Act at such time or times and on such terms as they may deem expedient. Preparation of the bonds.

The said bonds shall be signed by the President of said Board of Education and by the Treasurer thereof and sealed with the Corporate Seal of the said corporation and shall be exempt from State, County and Municipal taxation. How signed and sealed.

As said bonds shall be paid, the same shall be cancelled as the said Board of Education shall direct.

Section 9. Said bonds, principal and interest shall be payable at the Farmers Bank, at Dover, Delaware, in gold coin of the United States of America, equal in weight and fineness to the present standard. The said Board of Education is hereby authorized and directed to pay the interest on said bonds at the said Farmers Bank when and as the same shall become due, and to pay said bonds at said Bank when and as the same shall mature. Payable at the Farmers' Bank.

The said Board of Education \*is fixing the rate of taxation in the united school district governed by said Board, shall annually, until the redemption of said bonds, provide for a sum equal to the amount of interest due each year upon said bonds, and as and when said bonds shall become due and payable, shall, in like manner, provide for a sum sufficient for the redemption of said bonds, both principal and Board shall provide for payment of interest, etc.

\*So enrolled.



## OF FREE SCHOOLS.

unpaid interest. All of such sums, provided as aforesaid, shall, when collected and paid to the Treasurer of the said Board of Education, be set apart by him in a separate account to be opened for that purpose, and the moneys so set apart shall be applied by the said Treasurer to the payment of the interest on said bonds and to the redemption of said bonds as the said interest and as the said principal shall become and be due and payable.

Treasurer to keep a separate account.

To establish a sinking fund.

May levy and raise by taxation.

How assessed and collected.

The said Board of Education is fully authorized and empowered to establish a sinking fund for the payment of said bonds at their maturity and for this purpose to levy and raise by taxation from time to time, such sum as shall be necessary for the redemption of said bonds at or before the maturity thereof. The taxes authorized in this Section shall be levied and collected as other taxes in the united school district aforesaid are levied and collected and shall be assessed on the head and on property and shall be in excess of and in addition to the sum or amount which the said Board of Education is authorized by any other law to raise by taxation.

Money to be deposited by the Treasurer.

Not to be used for any other purpose.

Section 10. All the money received from the sale of any or all of said bonds after the payment of all charges and expenses connected with the preparation and sale thereof, shall be deposited by the Treasurer of the said Board of Education at the Farmers Bank at Dover, to the credit of The Board of Education of the Dover Public Schools, and shall be used for the purposes set forth in Section 1 of this Act. Neither the purchasers nor the holders of said bonds shall be bound to see to, or be affected by, the application of said money realized from the sale of said bonds or any part thereof.

Faith and credit of the Board pledged.

Section 11. The faith and credit of the Board of Education of the Dover Public Schools and of the united school district governed by said Board are hereby pledged for the payment of all the bonds that may be issued under the provisions of this Act.

## OF FREE SCHOOLS.

Section 12. The bonds authorized by this Act may be issued at one time and in one series or at different times and in different series as The Board of Education of the Dover Public Schools shall determine and the authority to issue and sell any bond or number of bonds under this Act, shall not be deemed to be exhausted until the aggregate of the amount of the bonds issued under this Act shall be Twenty-five Thousand Dollars (\$25,000). How bonds may be issued.

Section 13. The bonds to be issued shall be in the following form, to wit:

Form of bond.

UNITED STATES OF AMERICA  
STATE OF DELAWARE

Number.....

DOVER SCHOOL IMPROVEMENT BONDS

\$1000.00

\$1000.00

The Board of Education of the Dover Public Schools in Kent County and State of Delaware, for value received hereby acknowledges its indebtedness and promises to pay to the holder of this bond at the Farmers Bank at Dover, on the day of A. D. nineteen hundred and , the sum of One Thousand Dollars, with interest thereon at the rate of per centum per annum, payable semi-annually on the day of and of in each year. This bond is one of the authorized issue of twenty-five bonds, aggregating Twenty-five Thousand Dollars, by virtue of and in strict compliance with an Act of the General Assembly of the State of Delaware, approved the day of A. D. nineteen hundred and eleven, entitled "An Act in relation to the securing of additional land, and providing additional buildings for school purposes by The Board of Education of the Dover Public Schools, and the issuance of bonds in payment therefor," and in pursuance of a resolution of The Board of Education of the Dover Public Schools, adopted A. D. nineteen hundred and eleven.

## OF FREE SCHOOLS.

It is hereby certified that this bond is one of the issue authorized by the above recited Act of the General Assembly and that the faith and credit of The Board of Education of the Dover Public Schools and of the united school district governed by said Board are pledged for the punctual payment of the principal and interest of this bond according to its terms.

In Witness Whereof, the President of The Board of Education of the Dover Public Schools and the Treasurer of the said The Board of Education of the Dover Public Schools have hereunto respectively set their hands and the corporate seal of the said The Board of Education of the Dover Public Schools, at Dover, in the State of Delaware, this  
day of                      A. D. nineteen hundred and \*el .

Bonds may contain provision giving Board option to redeem.

May provide for registering.

May be with or without coupons.

Section 14. If the Board of Education of the Dover Public Schools shall so desire, the said bonds may contain a provision, giving such Board the option to redeem said bonds at some stated date, prior to their maturity, as set forth in Section 7 of this Act. The said Board of Education may also provide for the registering of said bonds either as to the principal thereof or as to both principal and interest as the said Board of Education shall prefer. The said bonds shall further contain such provisions in addition to \*those set forth in Section 13 of this Act and not inconsistent with the requirements of this Act as the said Board of Education shall determine, and may be with or without Coupons as said Board of Education shall prefer.

Approved April 19, A. D. 1911.

\*So enrolled.

## OF FREE SCHOOLS.

## CHAPTER 106.

## OF FREE SCHOOLS.

AN ACT to revive, renew and re-enact Chapter 496, Volume 18, Laws of Delaware, entitled "An Act to establish a Board of Education for the Town of Camden, and to incorporate the same, and for other purposes."

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of all the members elected to each House concurring therein) :*

Section 1. That an Act entitled, "An Act to establish a Board of Education for the town of Camden, and to incorporate the same, and for other purposes," being Chapter 496, Volume 18, Laws of Delaware, and all acts amendatory thereof and supplemental thereto, be and the same are hereby revived, renewed and re-enacted.

Chap. 496,  
Vol. 18, re-  
vived, re-  
newed and  
re-enacted.

Section 2. That all acts done by the "Camden Board of Public Education" since the thirteenth day of February, A. D. 1899, the date on which said act ceased to be operative, are hereby ratified and confirmed, and made as good and valid in law as if said act had continued to be in full force and effect.

All acts done  
by Board  
ratified and  
confirmed.

Approved March 2, A. D. 1911.

## OF FREE SCHOOLS.

## CHAPTER 107.

## OF FREE SCHOOLS.

AN ACT to amend Chapter 496, Volume 18, Laws of Delaware, entitled "An Act to establish a Board of Education for the town of Camden, and to incorporate the same, and for other purposes," relating to taxes.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two-thirds of all the members elected to each House concurring therein) :*

Chap. 496,  
Vol. 18,  
amended.

Section 1. That Chapter 496, Volume 18, Laws of Delaware, entitled "An Act to established a Board of Education for the Town of Camden, and to incorporate the same, and for other purposes," be and the same is hereby amended by striking out the words "eight hundred" in the twelfth line of Section 9 of said act and by inserting in lieu thereof the words "one thousand."

Act further  
amended.

Section 2. That said Act be further amended by striking out the words "and continue in force for the term of twenty years from and after its passage" where they occur in the first and second lines of Section 13 of said Act and inserting in lieu thereof the word "perpetual."

Approved March 14, A. D. 1911.

## OF FREE SCHOOLS.

## CHAPTER 108.

## OF FREE SCHOOLS.

AN ACT to Re-incorporate the Board of Education of the Town of Felton.

*Be it enacted by the Senate and the House of Representatives of the State of Delaware in General Assembly met, (two-thirds of all the members of each house concurring therein) :*

Section 1. That School Districts Nos. 102 and 103 and 54 and 82 in Kent County, as now bounded, or as they may hereafter be bounded, be and they are hereby declared incorporated into one Consolidated District, to be governed and managed by a Board of Education consisting of seven members, to be elected as hereinafter provided.

Section 2. That from and after the approval of this act there shall be established in and for the Town of Felton, and such portions of said districts as lie outside thereof a Board of Education to be styled "Felton Board of Education" and by that name shall have perpetual existence and succession and whose design and purpose shall be the direction, management and superintendence of the youth of said Consolidated Districts between the ages of six and twenty-one years, and generally to do all other matters and things necessary to carry into effect the provisions of this act. Said Corporation shall succeed to and be vested with, and be seized and possessed of all the privileges and property of whatever kind or nature granted or belonging to any previous School Corporation or Board of Education within the limits of said Consolidated District.

Section 3. That Samuel H. Hodgson, Benjamin F. Cubbage, Joseph E. Everett, William E. Godwin, Charles W. Cook, John Case and Walter J. Harrington, and their suc-

## OF FREE SCHOOLS.

Powers of  
the Board.

cessors as hereinafter provided, shall constitute the said Board, and under the name and style aforesaid shall be and they are hereby created a body politic and corporate for the purpose aforesaid, and as such shall have full power and authority to devise, establish and modify from time to time a plan and system of education for the youth between the ages aforesaid in the said Consolidated Districts, and to superintend the same; to appoint, suspend, remove teachers, and provide school houses; to make by-laws, rules and regulations for their own government and for the government of the teachers under their superintendence; to designate and to elect officers of the said Board and to fill vacancies in any manner caused until the next election for members of the Board; and take, acquire, receive, hold, and enjoy for the purposes aforesaid moneys and real and personal estate, by bargain and sale, gift, grant, contract, devise or bequest; and that they, or such body corporate, and by the name and style aforesaid may sue and be sued, plead and be impleaded in any Court of law or equity in this State, or elsewhere, and have a common seal, with power to alter the same at pleasure; and shall generally have all the rights, powers, privileges and franchise incident to corporations and necessary and convenient for carrying out the purposes of this act.

May sue and  
be sued.

Terms of  
office.

Section 4. That the persons named as incorporators in this act for the purpose of establishing the "Felton Board of Education" shall continue to serve as such Board for the terms following, to wit:

Charles W. Cook, John Case and Walter J. Harrington shall act as members of said Board until the first Saturday in June, A. D. 1911; Samuel H. Hodgson shall act as member of said Board until the first Saturday in June, A. D. 1912; Benjamin F. Cubbage, Joseph E. Everett and William E. Godwin shall act as members of said Board until the first Saturday in June, A. D. 1913. The above named persons shall serve as members of said Board for the times above mentioned, or until their successors are duly elected and

## OF FREE SCHOOLS.

qualified. The first election for members of the "Felton Board of Education" shall take place on the first Saturday in June, A. D. 1911, at which election persons shall be elected to succeed those whose terms of office have expired by limitation as hereinbefore provided, and on the first Saturday in June annually thereafter an election shall be held to fill vacancies caused by the limitation to the terms of office as herein prescribed, or vacancies caused in any other manner. Members shall be elected for the term of three years. Vacancies caused by death, resignation, removal from the District or inability or refusal to serve shall be filled at the next succeeding election after such vacancies shall occur, and in such cases persons shall be elected to fill out the unexpired term. The election shall be held in the afternoon between the hours of two and four o'clock. Members shall not receive pay or emoluments or be allowed any compensation for their services, except the Secretary, who may be allowed an amount not exceeding Fifteen Dollars in any one year, at the discretion of the Board. The Board shall appoint the place for holding the annual or any special election, and give notice thereof ten days previous to the time of holding said election, by hand-bills signed by the Secretary of the Board, and posted in five of the most public places in the Consolidated District. The said Board shall appoint an inspector of said election (not one of their number) who shall preside thereat; the Secretary of said Board shall act as clerk of said election. Within two days after any election the certificates of the result shall be delivered, under the hands of the inspector and clerk as follows: One to the Secretary of the Board and one to each of the persons elected, which certificates shall be made out and signed as aforesaid immediately after counting the vote. The Board shall be the Judges of the election of its members. No person shall be allowed to vote at any annual or special election, who shall not have paid a school tax in said Consolidated District within the year preceding the election, and who has not the same qualifications as required of those voting at general elections. A

First election for members.

Annual election.

Term.

Vacancies.

Hours for holding election.

Compensation.

Place for holding election.

Notice.

Inspector.

Clerk of election.

Certificates of election.

How delivered.

Who shall vote.



## OF FREE SCHOOLS.

Plurality.  
Quorum.  
Members  
shall reside  
in district.

plurality of votes shall elect. A majority of said Board shall constitute a quorum. Members of the Board shall be residents of the District and qualified school voters therein.

Organization  
of Board.

Section 5. That the Board of Commissioners named in Section 3 of this act shall meet on the first Monday in April in the year 1911 at two o'clock P. M. at the School House or some other suitable place in said District and proceed to organize the Board by electing one of their number President and shall also elect a Secretary and Treasurer who may or may not be members of said Board. The offices of Secretary and Treasurer may be held by the same person. On the first Monday after any annual election in every year hereafter the persons composing the said Board of Commissioners shall meet at the School House or some other place in said District, that the Board by resolution shall designate, at two o'clock P. M. for the purpose of organization.

Illegal vot-  
ing.

Section 6. That the laws now in force, or that may hereafter be passed in this State with regard to illegal voting at school elections, shall apply to every case of illegal voting at any election authorized to be held under this act, and every inspector and clerk of elections, authorized to be held under the provisions of this act, failing to perform the duties required of him, shall be held liable to the same penalty that now is imposed under the general school law upon the Secretary at any annual or special meeting of the school voters of any school districts in this State, for the failure to perform the duties imposed upon him by said general school law.

Failure to  
perform  
duties.

Report to be  
made out  
and hung up.

Section 7. That the "Felton Board of Education" shall, on or before the Monday next preceding the first Saturday in June in every year, cause to be made out and hung up in some public place in said District a full report of their account and \*proceedings during the past year, setting forth aggregates under their appropriate heads. They shall also

\*So enrolled.

## OF FREE SCHOOLS.

depute one of their number to settle with the Auditor of the State.

To settle  
with State  
Auditor.

Section 8. The said "Felton Board of Education" is hereby expressly invested with full power and authority to make assessments and to levy and collect such sums of money as shall in their judgment be necessary to carry on the schools in the said Consolidated District, in the same manner and by the same agency and with the same powers as are now or may hereafter be provided by law for the collection of school taxes; provided that the sum raised for school purposes in any one year shall not exceed the sum of Twelve Hundred Dollars (\$1200). Said "Felton Board of Education" is also authorized and empowered to raise by taxation such sums of money as may be necessary to pay off all outstanding indebtedness. All dividends from the State School Fund which shall be allotted to said Incorporated School District shall be deposited to the credit of "Felton Board of Education" and moneys so deposited may be drawn by order of the President of the Board and attested by the Secretary.

Power to  
make assess-  
ment, levy  
and collect  
taxes.

Shall not  
exceed \$1200.

Outstanding  
indebted-  
ness.

How school  
fund shall  
be deposited  
and drawn  
out.

Section 9. That each member of the "Felton Board of Education" and each officer by it appointed before entering upon the discharge of the duties of his office, shall take an oath or affirmation to perform the same diligently and faithfully, according to the best of his knowledge and judgment; such oath or affirmation may be administered by the President of the Board, or by any member thereof, as well as by any officer authorized by law to administer oaths. The Treasurer before entering upon the duties of his office shall give bond to the said Board with sufficient surety for the faithful application of all moneys, which may come into his hands as such Treasurer.

Shall make  
oath or af-  
firmation.

Treasurer  
shall give  
bond.

Section 10. That all acts done by the "Felton Board of Education" as incorporated by Chapter 457, Volume 17, of the Laws of Delaware, and whose Charter expired by limitation in the year 1905, and the title to any real estate taken

Acts made  
good and  
valid.

## OF FREE SCHOOLS.

in the name of "Felton Board of Education" after the expiration of said Charter, be and the same are hereby made as good and valid in law as if said Charter had not expired, and all such acts are hereby ratified and confirmed, this act being intended to revive, renew and re-enact the said act of incorporation passed at Dover, February twenty-fifth, A. D. 1885, as appears by Chapter 457, Volume 17 of the Laws of Delaware, so far as the provisions thereof are consistent herewith.

Approved March 17, A. D. 1911.

OF FREE SCHOOLS.

CHAPTER 109.

OF FREE SCHOOLS.

AN ACT to Authorize "The Board of Education of the Town of Harrington" to borrow money to erect, construct and furnish a school building and to issue bonds to secure the same.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of all the members elected to each House concurring therein) :*

Section 1. That "The Board of Education of the Town of Harrington" be and it is hereby authorized and empowered to borrow in its discretion a sum of money not exceeding Twenty thousand dollars for the purpose of erecting, constructing and furnishing a school building in Incorporated School Districts Numbers 94, 126 and 127, for school purposes.

Board of Education authorized to borrow money.

Section 2. That the said "The Board of Education of the Town of Harrington" be and it is hereby vested with full power and authority to issue for the purpose of carrying into effect the provisions of Section 1 of this Act, bonds to an amount not exceeding the sum of Twenty thousand dollars, to be of the denomination of Five hundred dollars each, bearing interest at a rate not exceeding five per centum per annum payable semi-annually on the first days of July and January, respectively, in each year at such bank or trust company as the said "The Board of Education of the Town of Harrington" shall designate. The principal of said bonds shall be made payable in thirty years from the date of the issue thereof, the said "The Board of Education of the Town of Harrington" reserving the power and authority to redeem said bonds or any part of them after the expiration of five years from the date of the issue of the same, but no more of

Authorized to issue bonds.

Denomination.

Rate of interest.

When and where payable.

Principal payable in thirty years.

Power to redeem after five years.

## OF FREE SCHOOLS.

Proviso. said bonds than shall amount in the aggregate at par value to the sum of One thousand dollars shall be redeemed in any one year. Providing, however, that if the said "The Board of Education of the Town of Harrington" elect to redeem any of said bonds at the expiration of five years as afore-said, such election shall be effected on the first day of July or January and in pursuance of a notice to that effect published in at least four issues of two newspapers, one published in the City of Wilmington and one in Kent County. In calling said bonds for redemption and payment, they shall be called consecutively commencing with the lowest number; the interest on all said bonds so called shall cease from the redemption thereof, and said bonds, when paid, shall be cancelled.

Bonds shall be called how.

Preparation of bonds.

How signed.

Sale of bonds.

Proceeds to be deposited with the treasurer.

Treasurer shall give additional bond.

Section 3. That the said "The Board of Education of the Town of Harrington" shall direct and effect the preparation and printing of the bonds authorized by this Act, and shall also prescribe the form of said bonds, which shall be signed by the President of said "The Board of Education of the town of Harrington" and countersigned by its Secretary, and shall be sealed with the corporate seal of the said "The Board of Education of the Town of Harrington," and shall be denominated Harrington School Bonds. As the said bonds and the coupons thereon are paid, the same shall be cancelled in such manner as the said "The Board of Education of the Town of Harrington" shall direct; and the said "The Board of Education of the Town of Harrington" shall negotiate the sale and delivery of said bonds, which shall be at not less than their par value; and the moneys, the proceeds of the sale of said bonds, shall be deposited with the Treasurer of the said "The Board of Education of the Town of Harrington" to be used for the purpose of carrying into effect the provisions of Section I of this Act. The said Treasurer shall give additional bond with such surety and for such sum as the said "The Board of Education of the Town of Harrington" may determine and approve.

## OF FREE SCHOOLS.

Section 4. That for the purpose of raising the funds necessary for the redemption of said bonds, and for the payment of the interest thereon, the said "The Board of Education of the Town of Harrington" is hereby further authorized, empowered and directed to assess, raise and collect annually in the same manner as is now provided by law for assessing, raising and collecting the school taxes in said United School Districts, such further sums of money as shall in their judgment be necessary and sufficient to meet the interest on said bonds as the same shall accrue, and to redeem said bonds as the same shall be called in by the said "The Board of Education of the Town of Harrington" according to the provisions of this Act. The sums assessed, raised and collected under and by virtue of the provisions of this Section shall be in addition to the sums assessed, raised and collected by the said "The Board of Education of the Town of Harrington" for ordinary school purposes; provided that the sum levied and assessed under and by virtue of this Section shall not exceed the interest of the bonds then outstanding and the par value of the bonds called in for that year by more than twenty per centum of the aggregate amount of said interest and par value of said bonds.

Authorized  
to levy tax.

Sums assessed under  
this act to  
be an additional fund.

Sum levied  
shall not exceed certain  
amount.

Approved March 14, A. D. 1911.

## OF FREE SCHOOLS.

## CHAPTER 110.

## OF FREE SCHOOLS.

AN ACT to amend "An Act to Incorporate 'The Board of Education of the Town of Harrington'," being Chapter 98, Volume 23, Laws of Delaware, by increasing the amount of School Tax that may be raised in any one year.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two-thirds of all the members elected to each House concurring therein) :*

Sec. 6, Chap.  
98, Vol. 23,  
amended.

Section 1. That section 6 of Chapter 98, Volume 23, Laws of Delaware, entitled "An Act to Incorporate 'The Board of Education of the Town of Harrington,'" be and the same is hereby amended by striking out the words "Three Thousand Dollars" where they occur in the last line of said section and inserting in lieu thereof the words "Four Thousand Dollars."

Approved March 14, A. D. 1911.

## OF FREE SCHOOLS.

## CHAPTER 111.

## OF FREE SCHOOLS.

AN ACT to authorize the School Commissioners of School Districts Nos. 90 and 90½, Sussex County, to sell its school property, purchase other property and borrow money.

Whereas, A majority of the voters in School District incorporated under the name of The Board of Public Education for School Districts Nos. 90 and 90½ in the town of Bridgeville, Sussex County, did, in the year 1910, at an election held in said District, decide to build and furnish a new school house, it being determined at said election that the sum of Twelve thousand five hundred dollars should be raised for said purpose, said election being held pursuant to Chapter 122, Volume 24, of the Laws of Delaware; and

Preamble.

Whereas, It is desired by the school voters of said incorporated Districts that an election be held to determine the site of the new school building; therefore

Preamble.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :*

Section 1. That within five days after the approval of this Act it shall be the duty of the Board of Public Education for school districts Nos. 90 and 90½ in the town of Bridgeville, Sussex County, to issue a call for a special election to be held in said District, at which the question of determining a site on which the new school building shall be voted upon. Notices of the election aforesaid shall be posted in at least ten public places in the aforesaid district for at least ten days prior to the date fixed for such election. Said election shall be held at the school house on the day fixed in said notice between the hours of two and four o'clock in the afternoon.

Special election to be called.

To determine a site for new school building.

Notice of election.

Time and place of holding.



## OF FREE SCHOOLS.

Right to  
vote.

Voting to be  
by ballot.

Majority to  
decide.

Section 2. At the election held under the provisions of this Act each person who would have a right to vote at the regular school election of the district. At the election held under the provisions of this act the voting upon the question aforesaid shall be by ballot, upon which shall be written or printed either the words "for old site" or the words "for new site." The said Board of Public Education shall be governed in the selection of a site for said new school building entirely by the majority of the votes cast at the aforesaid election.

Approved March 30, A. D. 1911.

OF FREE SCHOOLS.

CHAPTER 112.

OF FREE SCHOOLS.

AN ACT for the relief of United School Districts, Nos. 163 and 163½, in Sussex County.

Whereas United School Districts, Nos. 163 and 163½, in Sussex County, being "The Delmar Public Schools," received as its portion of the State dividend for the year nineteen hundred and nine a sum apportioned on the basis of the employment of four teachers only in said District, whereas in fact five teachers had been employed in the schools of said District, at the time such apportionment was made, whereby the said District was deprived of the sum of two hundred and seven dollars.

Preamble.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Section 1. That the State Treasurer be and he is hereby authorized and directed immediately upon the approval of this Act to draw his check to the order of the United School Districts, Nos. 163 and 163½, in Sussex County for the sum of two hundred and seven dollars.

State Treasurer authorized to draw his check for \$207.

Approved April 13, A. D. 1911.

## OF FREE SCHOOLS.

## CHAPTER 113.

## OF FREE SCHOOLS.

AN ACT to amend Chapter 440, Volume 20, Laws of Delaware, as amended by subsequent Acts, being an Act to repeal Section 1 of said Chapter and all Amendments thereto and regulating the Assessment and Collection of taxes for School Purposes in United School Districts 46, 133 and 182 in Sussex County.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Sec. 1, Chap.  
440, Vol. 20,  
repealed.

That Section 1 of Chapter 440, Volume 20, Laws of Delaware and all amendments thereto, be and the same are hereby repealed and that a new section be substituted as follows:

Section sub-  
stituted.

Section 1. That the Commissioners of United School Districts Nos. 46, 133 and 182 in Sussex County be and the same are hereby authorized to assess and collect annually a sum not exceeding Three thousand dollars for School purposes.

Approved March 14, A. D. 1911.

## OF FREE SCHOOLS.

## CHAPTER 114.

## OF FREE SCHOOLS.

AN ACT to amend Chapter 105 of Volume 23 of the Laws of Delaware, entitled "An Act to reincorporate 'The Board of Commissioners of the Public Schools of Georgetown, Sussex County' and for other purposes," increasing the amount that may be raised by taxation for school purposes in said school districts.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of the members elected to each house of the General Assembly concurring therein) :*

Section 1. That Chapter 105 of Volume 23 of the Laws of Delaware, entitled "An Act to reincorporate 'The Board of Commissioners of the Public Schools of Georgetown, Sussex County' and for other purposes" be and the same is hereby amended by striking out the word "two" where the same occurs between the words "of" and "thousand" in the tenth line of Section fifth of said act, and inserting in lieu thereof the word "four."

Chap. 105.  
Vol. 23,  
amended.

Word "four"  
inserted.

Section 2. That Chapter 105 of Volume 23 of the laws of Delaware be and the same is hereby further amended by striking out the word "two," the last word in the fifth line of Section sixth of said act, and inserting in lieu thereof the word "four," and by striking out the word "three," the first word in line eight of Section sixth of said act, and inserting in lieu thereof the word "five."

Chap. 105.  
Vol. 23.  
further  
amended.

Word "five"  
inserted.

Approved March 1, A. D. 1911.

## OF FREE SCHOOLS.

## CHAPTER 115.

## OF FREE SCHOOLS.

AN ACT to amend Chapter 114, Volume 19, Laws of Delaware, entitled "An Act for the advancement of popular education as amended by Chapter 606, Volume 19, Laws of Delaware, entitled "A supplement to an Act entitled 'An Act for the advancement of popular education,'" passed at Dover, May thirteenth, 1891, relative to an amount of taxes to be raised by the commissioners of public schools of the Town of Milton and vicinity, and the time for organization of said commissioners.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Sec. 5, Chap.  
114, Vol. 19,  
amended.

Section 1. That Section 5, Chapter 114, Volume 19, Laws of Delaware, entitled, "An Act for the advancement of popular education" be, and the same is hereby amended by striking out the following words in the second and third lines thereof: "Monday following the election at ten o'clock in the forenoon," and inserting in lieu thereof, the following words: "same day of the election at eight o'clock P. M."

Sec. 3, Chap.  
606, Vol. 19,  
amended.

Section 2. That Section 3, of Chapter 606, Volume 19, Laws of Delaware, entitled, "A supplement to an Act entitled "An Act for the advancement of popular education," passed at Dover, May thirteenth, 1891, be, and the same is hereby amended by striking out the words "one thousand" where they appear in line nineteen thereof, and inserting in lieu thereof the words "sixteen hundred;" and by striking out the words "five hundred" where they occur in line twenty thereof and by inserting in lieu thereof, the words "one thousand."

Approved March 15, A. D. 1911.

## OF FREE SCHOOLS.

## CHAPTER 116.

## OF FREE SCHOOLS.

AN ACT to authorize and empower the Board of Commissioners of the Millsboro Public Schools to issue and sell bonds to the amount of three thousand dollars for the purpose of providing funds for remodeling the public school building, and the erection and the furnishing of an addition thereto.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two-thirds of all the Members elected to each House concurring therein) :*

Section 1. That for the purpose of providing funds for remodeling the public school building and the erection and the furnishing of an addition thereto, the same being situate in united districts 23, 23½, 161, and 161½ in Sussex County, the Board of Commissioners of the Millsboro Public Schools, and their successors in office, are hereby authorized and empowered to issue and sell bonds to an amount not exceeding, in the aggregate, the sum of three thousand dollars, and of the denomination of one hundred dollars each, bearing interest not exceeding 5% per annum, payable annually on the first day of January in each year, while they remain unpaid, at the office of the Treasurer of said Board of Commissioners on presentation of the coupon representing said annual interest, each annual installment of interest being represented by coupons attached to said bonds. The principal of such bonds shall be made payable in twenty years from the day of the issue thereof, the said Board of Commissioners of the Millsboro Public Schools reserving the power and authority of reducing said bonds or any part of them after the expiration of five years from the date of the issue of the same; provided, however, that if the said Commissioners elect to redeem any of said bonds at the expiration of five

Authorized  
to issue  
bonds.

Amount not  
to exceed  
\$3000.

Rate of  
interest.

When and  
where pay-  
able.

When prin-  
cipal shall  
be payable.

Power to  
reduce after  
five years.

Redemption  
of bonds.

## OF FREE SCHOOLS.

Public notice to be given.  
 Calling of bonds.

years, as aforesaid, such election shall be effected on the first day of January, and in pursuance of a notice to that effect published by said Commissioners in at least four issues of two newspapers published in Sussex County. In calling said bonds for redemption and payment, they shall be called consecutively, commencing with the lowest number; the interest on all said bonds so called shall cease from the redemption thereof and said bonds, when paid, shall be cancelled.

May redeem and cancel bonds if offered.

If at any time after the issue of said bonds and before they are payable or called in, any holder or holders of any such bond or bonds shall offer the same for redemption, the said Commissioners may, if they deem it expedient, redeem and pay the bond or bonds so offered, and cancel the same, the interest thereon ceasing from the date of such redemption.

Preparation of bonds.

How signed and sealed.

Exempt from tax.

Proceeds of sale, how deposited.

Section 2. That the said Board of Commissioners of the Millsboro Public Schools shall direct and effect the preparation and printing of the bonds authorized by this Act, and shall also prescribe the form of said bonds, which shall be signed by the President of said Commissioners, countersigned by its Secretary, and shall be sealed with the corporate seal of said Commissioners, and shall be exempt from all State, County and Municipal taxation, and shall be denominated Millsboro School Bonds, as the said bonds and coupons thereon are paid the same shall be cancelled in such manner as the said Commissioners shall direct; and the said Commissioners shall negotiate the sale and delivery of said bonds; and the moneys, the proceeds of the sale of said bonds, shall be deposited with the Treasurer of said Commissioners to be used for the purpose of carrying into effect the provisions of this Act.

Treasurer shall give additional bond.

The said Treasurer shall give additional bond with such surety and for such sum as the said Commissioners may determine and approve.

## OF FREE SCHOOLS.

Section 3. That for the purpose of raising the funds necessary for the redemption of said bonds, and for the payment of the interest thereon, the said Board of Commissioners of the Millsboro Public Schools is hereby further authorized, empowered and directed to assess, raise and collect annually in the same manner as now provided by the law for assessing, raising and collecting the school taxes in said school districts, such further sums of money as shall in their judgment be necessary and sufficient to meet the interest on said bonds as the same shall be called in by the said Commissioners according to the provisions of this Act. The sums assessed, raised and collected under and by virtue of the provisions of this Section to be in addition to such sums assessed, raised and collected by said Commissioners for school purposes; provided that the sum levied and assessed under and by virtue of this section shall not exceed the interest of the bonds then outstanding, and the par value of the bonds called in for the year by more than twenty per centum of the aggregate amount of said interest and par value of said bonds.

Commissioners may assess and collect additional tax.

Sum so assessed not to exceed certain amount.

Approved March 17, A. D. 1911.



## OF FREE SCHOOLS.

## CHAPTER 117.

## OF FREE SCHOOLS.

AN ACT to amend Chapter 476, Volume 17, Laws of Delaware, entitled, "An Act to Consolidate School Districts Nos. 23 and 161 in Sussex County, under the title of 'The Millsboro Public School,'" by increasing the amount authorized to be raised by taxation.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two-thirds of the members elected to each House concurring therein) :*

Chap. 476.  
Vol. 17.  
amended.

Section 1. That Chapter 476, Volume 17, Laws of Delaware, be and the same is hereby amended by striking out of Section 5, in line four thereof, the word "five" and inserting in lieu thereof the word "fifteen."

Approved March 17, A. D. 1911.

OF FREE SCHOOLS.

CHAPTER 118.

OF FREE SCHOOLS.

AN ACT for the Relief of United School Districts Nos. 23, 23½, 161, and 161½ in Sussex County, Delaware.

Whereas, through an oversight the teachers or principals of United School Districts Nos. 23, 23½, 161 and 161½ in Sussex County failed to certify to the State Board of Education the number and names of certain non-resident pupils who attended said United School Districts during the school year 1908-1909, and,

Preamble.

Whereas, by reason thereof the said United School Districts were deprived of the State aid to which they were entitled, therefore,

Preamble.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Section 1. That immediately upon the approval of this Act the State Treasurer is authorized and directed to pay to United School Districts Nos. 23, 23½, 161 and 161½ in Sussex County the sum of Seventy-six Dollars and Forty cents (\$76.40) for the use of said Districts out of any moneys now being in the hands of the State Treasurer, and not otherwise duly appropriated.

State Treasurer authorized to pay \$76.40.

Approved April 13, A. D. 1911.

## OF FREE SCHOOLS.

## CHAPTER 119.

## OF FREE SCHOOLS.

AN ACT to amend an Act entitled "An Act to establish a Board of Education for the town of Lewes and to incorporate the same and for other purposes," being Chapter 53 of Volume 15 of the Laws of Delaware, for the purpose of changing the number of members of the Board, to provide for their election and terms of office and to fix the time at which the terms of the present members shall expire.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two-thirds of each branch thereof concurring therein) :*

Board shall  
consist of  
seven mem-  
bers.

Section 1. That on the expiration of the terms of office of the present members of the Board of Public Education for the town of Lewes, as hereinafter provided, the said Board shall consist of seven members.

Election of  
the Board of  
Education.

Section 2. That at the annual election of members of the Board of Education to be held on the first Saturday in April, A. D. Nineteen hundred and eleven, three persons shall be elected to serve for three years or until their successors are elected and qualified, two persons to serve for two years or until their successors are elected and qualified, and two persons to serve for one year or until their successors are elected and qualified; and annually thereafter on the first Saturday in April successors to the members whose terms shall have expired shall be elected.

Terms of  
present  
Board shall  
expire when.

Section 3. The terms of the members of the said Board of Education who are now serving shall expire when the persons elected at the election on the first Saturday of April, A. D. Nineteen hundred and eleven, shall have been qualified.

OF FREE SCHOOLS.

Section 4. Nothing herein contained shall be construed to repeal any provision of Chapter 53 of Volume 15 of the Laws of Delaware or any supplement or amendment thereto, unless the same shall be manifestly inconsistent with this Act.

This act not  
to repeal  
Chap. 53,  
Vol. 15.

Approved March 20, A. D. 1911.

## OF FREE SCHOOLS.

## CHAPTER 120.

## OF FREE SCHOOLS.

AN ACT to incorporate United School Districts, 32 and 108 in Selbyville, in Sussex County, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :*

Board of five  
Commissioners.

Section 1. That United School Districts Nos. 32 and 108, in Sussex County, as the same is now bounded, or as it may hereafter be bounded, shall be governed and its affairs managed and controlled by a board of five commissioners.

Names of  
the Com-  
missioners.

Section 2. That Edward V. Baker, John G. Townsend, Jr., William R. McCabe, Leander C. Hudson and Ira Layfield Long, shall, and they are hereby declared to be the first Commissioners, and shall continue to serve as such Commissioners for the terms following, to wit: The said Edward V. Baker, William R. McCabe and John G. Townsend, Jr., until the next stated school election in the year 1911, and the said Leander C. Hudson until the stated school election in the year 1912; and the said Ira Layfield Long until the stated school election in the year 1913; and each until their successors shall have been duly elected and qualified as hereinafter provided.

Terms of  
office.

Title of the  
corporation.

Section 3. That the members of the board of Commissioners hereinbefore named, and their successors in office, shall be, and they are hereby declared to be a Corporation by the name, style, and title of "Selbyville Public Schools" and by that name they and their successors in office shall have perpetual succession, with all the powers, rights, privileges and franchises of a Corporation, necessary and proper for the establishment and maintenance of good schools for the education of all the Children within the districts aforesaid that are by the laws of the State entitled to be educated in

Powers of  
the Com-  
missioners.

OF FREE SCHOOLS.

the public schools, and shall have full control of all the property real and personal, which now belongs to or may hereafter be acquired by the said districts, and the title thereto shall vest in the Corporation hereby created for school purposes; and the said corporation by the name, style and title aforesaid, may sue and be sued, plead and be impleaded in any Court of law or equity, and may have and use a common seal.

May sue and be sued.

Section 4. That on the first Saturday in May in the year 1911, one Commissioner shall be elected to serve for three years, one for two years, and one for one year; and on the first Saturday in May annually thereafter a commissioner, or Commissioners, as the case may be, shall be elected for a term of three years to fill vacancy or vacancies caused by the limitations of terms of office prescribed. The board of Commissioners shall have power to fill any vacancy or vacancies that may occur in their number by death, resignation, removal from the districts, refusal to serve or otherwise, and the person or persons so chosen to fill such vacancy or vacancies shall serve until the term or terms of the person or persons in whose place or places he or they, are chosen in accordance with this Section expire. No person shall be a member of said School Board who is not a resident of said School District, who is not a real estate owner therein and who has not paid school tax for the school year immediately preceding the election. No person shall vote at any annual or special school election, who is not a resident of said District, and who has not paid a school tax for the year immediately preceding such election.

Election of Commissioners.

May fill vacancies.

Requirements for member of School Board.

Qualification for voting.

Section 5. That the Board of Commissioners named in the Second section of this Act shall meet on the first Monday in April in the year 1911 at 2 o'clock P. M. at the school house in said districts and proceed to organize the board by electing one of their number President and another Secretary, and the person so elected President shall swear or affirm the other members to perform their duties with fidelity,

Organization of Board.

## OF FREE SCHOOLS.

and one of the other members shall in like manner qualify the person so elected President, and on the first Monday after any stated election at 2 o'clock P. M. in every year hereafter the persons composing the said board of Commissioners shall meet at the school house or some other place in said districts that the said board by resolution shall designate and organize and qualify in like manner.

Shall raise money annually to pay bonds.

Section 6. That commencing with the school year 1911 and annually thereafter there shall be raised by taxation by said board of the Selbyville Public Schools such sum or sums for the payment of all outstanding bonds together with all accrued interest of the united school districts 32 and 108. That for the year beginning on the first Monday after any stated school election A. D. 1911 and annually thereafter the Commissioners of said Selbyville Public Schools may raise by taxation for general school purposes within the said districts any sum that in their judgment they may deem necessary, the same not to be less than Six Hundred Dollars nor more than Fifteen Hundred Dollars. All dividends from the State School fund which shall be allotted to said incorporated school district shall be deposited to the credit of Selbyville Public Schools to be used as by law directed.

Taxation for school purposes.

Amount to be raised.

How dividends deposited.

Treasurer appointed shall give bond.

Duties of Treasurer.

Section 7. That the board shall appoint a Treasurer who shall give bond with sufficient security for the faithful performance of his duties, he shall receive and disburse all moneys belonging to the said districts under the order and subject to the resolution of the said board, and shall keep an accurate and itemized account of all receipts and disbursements in a record expressly provided for that purpose, and his accounts and vouchers shall be inspected and audited semi-annually by a committee of said board who shall make and enter upon such record a certificate showing the result of such audit, and this record shall be at all times subject to inspection by any taxable of said districts. The said board shall likewise have power to make by-laws, rules and regulations for its own government and the government of its offi-

May make by-laws, etc.

## OF FREE SCHOOLS.

cers, agents, teachers and school under its control. And the said board is hereby expressly invested with full power and authority to assess, levy and collect a capitation tax from every white male citizen in said incorporated districts of the age of twenty-one years and upwards any sum not exceeding four dollars in any one school year, together with all taxes by this Act, authorized in the same manner and by the same agencies and with the like powers as is now or may hereafter be provided by law for the collection of school taxes. The warrant annexed to any duplicate of any assessment list shall be signed by the President of the board attested by the Secretary and have the corporate seal thereto affixed.

Capitation  
tax.

Warrant to  
be signed  
and sealed.

Section 8. That the majority of the board of Commissioners shall constitute a quorum, and in case of any vacancy in the office of President, Secretary or Treasurer, the board shall have power to fill the same. The board shall hold regular meeting at such times and at such places as the by-laws may provide, and occasional meeting when necessary upon the call of the President or by any two members of the board. A record shall be kept of all the proceedings of said board and of all its orders and resolutions, and the same shall at all times be subject to the inspection of any taxable.

Majority  
shall con-  
stitute  
quorum.

Meetings of  
the Board.

Shall keep a  
record.

Section 9. That this act shall be deemed and taken to be a public act, and shall go into effect immediately upon its passage.

To take ef-  
fect imme-  
diately.

Section 10. That all Acts or parts of Acts inconsistent with the provisions of this Act are hereby repealed.

Approved March 20, A. D. 1911.



## OF FREE SCHOOLS.

## CHAPTER 121.

## OF FREE SCHOOLS.

AN ACT to Re-Incorporate the Board of Public Education for Frankford.

Preamble.

Whereas, An Act entitled "An Act dividing School Districts Nos. 97 and 135 in Sussex County into four School Districts, and establishing a Board of Education for Frankford, incorporating the same and for other purposes" approved April 19th 1889, being Chapter 533, Volume 18, Laws of Delaware, has become null and void by its provision in Section 13 of said Act which restricts its existence to twenty years,

*Therefore, be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met: (two-thirds of all the members elected to each Branch of the General Assembly concurring therein):*

Act revived,  
renewed and  
re-enacted.

Section 1. That said Act entitled "An Act dividing School Districts Nos. 97 and 135 in Sussex County into four School Districts, and establishing a Board of Education for Frankford, incorporating the same and for other purposes," which has become void on account of the reasons hereinbefore stated, be and the same is hereby revived, renewed and re-enacted, and together with the provisions therein contained are respectively declared to be in full force and effect, and the said Charter incorporating "The Board of Public Education for Frankford" shall have a perpetual existence.

Sec. 1. of  
the act  
amended.

Section 2. That Section 4 of said Act of incorporation be amended by striking out the names of Everett Hickman, John R. Steel, John T. Long, John H. Layton and William S. Long and inserting in lieu thereof the following names: William H. Melson, James M. Tunnell, Samuel J. Messick, John Cannon and Andrew Eashum.

## OF FREE SCHOOLS.

Section 3. That Section 5 of said Act of incorporation be stricken out and in lieu thereof the following be inserted: That the persons named as commissioners in this Act shall constitute the board of public education until the last Saturday in June, A. D. 1911, or until their successors are duly elected and qualified. The first election of members of the board of public education shall take place on the last Saturday in June, A. D. 1911, at which election, the five members of said board shall be elected, one of whom shall serve for the term of three years, two of whom shall serve for the term of two years and two of whom shall serve for the term of one year or until their successors are duly elected and qualified; and in each succeeding year on the last Saturday in June two members of said board of education shall be chosen, one for the term of two years and one for the term of three years or until their successors shall be duly elected and qualified; any vacancy happening in said board for any cause whatever, may be filled for the residue of the school year in which it happens by the other members of the board. A successor shall be chosen at the ensuing school election to fill out the term of the person whose death or retirement caused the vacancy. The said elections shall be held in the afternoon, the polls opened at one o'clock or within thirty minutes thereafter, and closed at four o'clock. The members shall not receive or be allowed any compensation, except the Secretary and treasurer for their services. The board shall elect a president and secretary who may or may not be members thereof. The board shall appoint the place of election and give notice thereof for ten days previous to the time of holding said election by handbills under the signature of the secretary of the board, posted in five of the most public places in the consolidated districts. They shall appoint an inspector and an assistant inspector of said election not members of the board who shall preside thereat. In case of the neglect or refusal of the board to appoint such election officers, they may be chosen by the qualified voters assembled at the voting place on the day of election. The officers hold-

Sec. 5  
stricken out,  
and another  
provision  
inserted.

Board of  
Public Edu-  
cation.

Election of  
members.

Terms of  
office.

May fill  
vacancies.

When elec-  
tions shall  
be held.

Compensa-  
tion.

Place of  
election.

Notice.

Shall ap-  
point inspec-  
tor and as-  
sistant.

May be  
chosen by  
voters.

## OF FREE SCHOOLS.

ing the election shall, before opening the polls, each take an oath or affirmation as follows:

Oath or affirmation.

"\_\_\_\_\_, do solemnly swear (or affirm) that in holding the election this day for members of the board of public education, I will faithfully and impartially perform my duty and make true certificates of the result thereof and deliver the same according to law, so help me God, or so I solemnly affirm."

Inspector to swear as-  
sistant.

The inspector is authorized to administer this oath or affirmation to the assistant and he to the inspector. Within two days after any election certificates of the result shall be delivered under the hands of the officers holding the election to each of the persons elected, which certificates shall be made out and signed as aforesaid immediately after counting the votes. The board shall be the judges of the election and qualifications of its members, who must in addition to being qualified voters of said consolidated districts, have paid a school tax within the year preceding the election, and must be elected by the voters of said consolidated districts having the same qualification, plurality of votes to elect.

Board shall  
judge of the  
qualifica-  
tion of mem-  
bers.

Approved March 14, A. D. 1911.

OF DELAWARE COLLEGE.

CHAPTER 122.

OF DELAWARE COLLEGE.

AN ACT to Reincorporate the Trustees of Delaware College.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch thereof concurring therein) :*

Section 1. That the Trustees of Delaware College, as reincorporated by Act approved February the ninth, A. D. 1909, and published as Chapter 108, Volume 25, Laws of Delaware, be, and the same is hereby reincorporated for the term of two years from the ninth day of April, A. D. 1911, with the same duties, privileges and prerogatives, as now enjoyed and exercised by that Institution.

Trustees of  
Delaware  
College rein-  
corporated.

Approved April 6, A. D. 1911.

## OF DELAWARE COLLEGE.

## CHAPTER 123.

## OF DELAWARE COLLEGE.

AN ACT authorizing and empowering the Trustees of Delaware College to convey a certain piece of land.

Preamble.

Whereas, the citizens of the Town of Newark, New Castle County, State of Delaware, have petitioned the Council of Newark to have paved North College Avenue along the Delaware College Grounds to the Baltimore and Ohio Railroad, and

Preamble.

Whereas, the Trustees of said College have appointed a Committee to confer with the Council of Newark and who doubt this authority to convey any land belonging to said College, for the purpose of widening said North College Avenue without an act of the General Assembly, therefore

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Authorized  
to convey  
certain land.

Section 1. That the Trustees of Delaware College be and they are hereby authorized and empowered to convey to the Council of Newark, such land as may be necessary to widen, pave, and curb the said Avenue.

Approved April 6, A. D. 1911.

## OF DELAWARE COLLEGE.

## CHAPTER 124.

## OF DELAWARE COLLEGE.

AN ACT providing for the establishment and maintenance of a Chair of History at Delaware College.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Section 1. That as soon as practicable after the approval of this Act, the Trustees of Delaware College shall establish and maintain a Department of History, Political Science and Economics, to be known as "State of Delaware, Chair of History." Said Trustees are hereby authorized to purchase books, maps, papers and other material, and to do all other acts and things necessary, for the proper establishment and maintenance of said Chair. The objects and purposes of said Department shall be the teaching of history, political and economical sciences and other allied subjects under the direction and supervision of the Trustees of Delaware College.

To establish  
Chair of  
History at  
Delaware  
College.

Trustees au-  
thorized to  
purchase  
necessary  
material.

Objects and  
purposes of  
Department.

Said Trustees shall also provide that a special course on Delaware History and Government shall be taught by "State of Delaware, Chair of History," and every student attending Delaware College shall be required to take such special course. Said Trustees shall further provide that a course of lectures be given annually by not less than four men to be chosen by the head of the Department, said lectures to pertain to the subjects taught by the "State of Delaware, Chair of History" and, so far as practicable, said lectures shall be printed and added to the "Library of History."

Trustees to  
provide a  
special  
course shall  
be taught.

Every stu-  
dent to take  
such course.

Course of  
lectures to  
be given  
annually.

Section 2. That, for the purpose of carrying into effect the provisions of this act, the sum of Twenty-five hundred dollars is hereby appropriated annually out of any money in the Treasury not otherwise appropriated, and the State

Annual ap-  
propriation  
of \$2500.

## OF DELAWARE COLLEGE.

State Treas-  
urer author-  
ized to pay.

Treasurer is hereby authorized and directed to pay over to the Treasurer of the Trustees of Delaware College the said sum of Twenty-five hundred dollars in each and every year, said sum to be used exclusively for the purposes of this Act as directed by the said Trustees.

Approved April 6, A. D. 1911.

## OF DELAWARE COLLEGE.

## CHAPTER 125.

## OF DELAWARE COLLEGE.

AN ACT to appropriate Ten Thousand Dollars for the erection, alteration, extension, repair and general improvement of necessary Buildings and the grounds for Delaware College.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (three-fourths of all the members elected to each House concurring therein) :*

Section 1. That for the erection, alteration, extension, repair and general improvement of necessary buildings and the grounds for Delaware College, at Newark, in the State of Delaware, to better enable the Board of Trustees to carry into effect the purposes as provided by the various Acts of Congress, applicable thereto and for other purposes, the sum of ten thousand dollars is hereby appropriated out of any money in the State Treasury not otherwise appropriated, the sum of five thousand dollars, part thereof, to be paid during the year, A. D. 1911 and the sum of five thousand dollars, remaining part thereof, to be paid during the year A. D. 1912, such payments to be made by the State Treasurer to the Trustees of said College on the first day of July in each of said years.

\$10,000 appropriated for improvements, etc., at Delaware College.

\$5000 to be paid in 1911, and \$5000 in 1912.

Approved April 6, A. D. 1911.



## OF DELAWARE COLLEGE.

## CHAPTER 126.

## OF DELAWARE COLLEGE.

AN ACT to amend Chapter 240, Volume 21, Laws of Delaware, entitled, "An Act to prevent the spread of disease and to establish a Pathological and Bacteriological Laboratory for such purposes at Delaware College," as amended by Chapter 135, Volume 22, Laws of Delaware.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Sec. 6, Chap.  
240, Vol. 21.

Section 1. That Section 6, of Chapter 240, Volume 21, Laws of Delaware, entitled, "An Act to prevent the spread of disease and to establish a pathological and bacteriological laboratory for such purposes at Delaware College," as the same has been amended by Chapter 135, Volume 22, Laws of Delaware, be, and the same is hereby further amended by striking out all of said section 6, and inserting in lieu thereof, a new section as follows:

Five hun-  
dred dollars  
appropri-  
ated.

\$3500 an-  
nually ap-  
propriated.

Salary of  
the Bacter-  
iologist.

Other salar-  
ies and ex-  
penses.

"Section 6. That the sum of five hundred dollars be, and the same is hereby appropriated to the Pathological and Bacteriological Laboratory for the purchase of new apparatus and the replacing of old apparatus in the Laboratory. That the sum of three thousand five hundred dollars annually be appropriated for the Pathological and Bacteriological Laboratory, of which said sum eighteen hundred dollars, part thereof, shall be for the annual salary of the Bacteriologist, and the sum of seventeen hundred dollars, the remaining part thereof, shall be for the payment of salaries of assistants and all other expenses of the said Laboratory, and the said sum of three thousand five hundred dollars is hereby annually appropriated out of any funds in the State Treasury not otherwise appropriated; the said appropriations hereby made be drawn by warrants signed by the President and Secretary of the State Board of Health, the

OF DELAWARE COLLEGE.

accounts to be audited by the Auditor of Accounts of the State annually as now required for other accounts of the State Board of Health." To be audited by Auditor of Accounts.

Approved April 6, A. D. 1911.

## OF DELAWARE COLLEGE.

## CHAPTER 127.

## OF DELAWARE COLLEGE.

AN ACT to provide for the establishment of a Division of Agricultural Extension at Delaware College, and to provide for the maintenance thereof.

Preamble. Whereas, the Federal Government is appropriating annually a large sum of money primarily for instruction in Agriculture and the Mechanic Arts, and

Preamble. Whereas, the Federal Government has ruled that the funds appropriated for this purpose must and shall be limited to the institutions designated by the respective states as the recipients of such appropriations, and

Preamble. Whereas, under existing conditions but few of the people derive any direct benefit from said appropriations; therefore, in order to carry directly to the farmer the largest information relating to improved husbandry,

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Division of Agricultural Extension established. Section 1. That there be established at Delaware College situated in Newark, Delaware, as a part and under the control and direction of the Agricultural Department of said College, a Division of Agricultural extension.

Duty of the Division of Agricultural Extension. Section 2. That it shall be the duty of said Division of Agricultural Extension to conduct such co-operative experiments in different parts of the State with fertilizers, promising crops, various methods of tillage, etc., as shall tend to acquaint the farmers of the State with the most approved methods of husbandry.

Further duty. That it shall be the further duty of said Division of Agricultural Extension to conduct a Boys' Corn Growing

Contest, and by other means to interest the youth of the State in agriculture.

That officers of the Division of Agricultural Extension shall also be available for farm surveys, and for aiding individual farmers in a study of their soil and of the crops for which it is particularly adapted.

Officers to be available to farmers.

The Division of Agricultural Extension shall not be restricted by the above enumeration of its duties, but shall be at liberty to do all that it can, within the generally accepted provisions of this Act, to further the agricultural interests of the State, provided the appropriation hereinafter provided for shall not be exceeded.

To further the agricultural interests of the State.

Section 3. To enable the Trustees of Delaware College to carry into effect the provisions of this Act, that the sum of Nine thousand dollars be and the same is hereby appropriated out of the Treasury of this State, to be paid by the State Treasurer to the Trustees of said College as follows: One-half thereof on the first day of July A. D. Nineteen hundred and eleven, and the other half thereof on the first day of July, A. D., Nineteen hundred and twelve.

Nine thousand and dollars appropriated.

How and when to be paid.

Approved April 6, A. D. 1911.

## OF DELAWARE COLLEGE.

## CHAPTER 128.

## OF DELAWARE COLLEGE.

AN ACT to appropriate Ten Thousand Dollars for the Erection, Alteration and Repair of Buildings on the State Farm for Agricultural Experimental purposes.

*Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met (three-fourths of all the members elected to each House concurring therein) :*

Ten thousand  
and dollars  
appropriated.

Section 1. That for the purpose of building a dairy house and a tenant house, and for finishing the repairs to the old barns and sheds, building approaches to the new barn, completing the silo, painting and wiring the dwelling house and such other repairs as may be necessary, on the State Farm, in Pencader Hundred, New Castle County and State of Delaware, the sum of Five Thousand Dollars is hereby appropriated out of any money not otherwise appropriated, to be paid by the State Treasurer to the Trustees of Delaware College, on or before the first day of June, 1911, and the sum of Five Thousand Dollars is hereby appropriated out of any money not otherwise appropriated, to be paid by the State Treasurer to the Trustees of Delaware College on the first day of January, 1912.

Approved April 4, A. D. 1911.

OF COLLEGE FOR COLORED STUDENTS.

CHAPTER 129.

OF COLLEGE FOR COLORED STUDENTS.

AN ACT to Appropriate Three Thousand Dollars for the Erection, Alteration, Extension, Repair and General Improvement of necessary Buildings and the Grounds for the State College for Colored Students.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (three-fourths of all the members elected to each House concurring therein) :*

Section 1. That for the erection, alteration, extension, repair and general improvement of necessary buildings and the grounds for the State College for Colored Students, near Dover, in the State of Delaware, to better enable the Board of Trustees to carry into effect the purposes as provided by the various Acts of Congress, applicable thereto and for other purposes, the sum of Three Thousand Dollars is hereby appropriated out of any money not otherwise appropriated, to be paid by the State Treasurer to the Board of Trustees of said College.

Three thousand and dollars appropriated to the State College for Colored Students.

Approved March 28, A. D. 1911.

## OF COLLEGE FOR COLORED STUDENTS.

## CHAPTER 130.

## OF COLLEGE FOR COLORED STUDENTS.

AN ACT to Re-Enact, Revive and Renew an Act Entitled "An Act to Establish and Maintain a College for the Education of Colored Students in Agriculture and Mechanic Arts," being Chapter 119, Volume 19, Laws of Delaware, as said Act has been amended.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of all the members elected to each House concurring therein) :*

Chap. 119.  
Vol. 19, re-  
enacted, re-  
vived and  
renewed.

Section 1. That an Act entitled "An Act to Establish and Maintain a College for the Education of Colored Students in Agriculture and the Mechanic Arts," being Chapter 119, Volume 19, Laws of Delaware, as said Act has been amended, be and the same is hereby re-enacted, revived and renewed, and all rights, powers, privileges and authority granted or conferred in and by said Act are hereby renewed and extended.

Approved March 10, A. D. 1911.

## OF REFORM SCHOOLS.

## CHAPTER 131.

## OF REFORM SCHOOLS.

## AN ACT to Renew the Charter of the Ferris Industrial School.

Whereas, the Act, entitled, "An Act to Incorporate the Ferris Reform School," passed at Dover, March 10th, A. D. 1885, as amended, expired by limitation on the 9th day of March, A. D. 1905, and

Preamble.

Whereas, the Act entitled, "An Act to Renew the Charter of the Ferris Industrial School," being Chapter 117, Vol. 23 of the laws of Delaware, was not approved until the 14th day of March, A. D. 1905; therefore,

Preamble.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two-thirds of all the members elected to each house concurring herein) :*

Section 1. That the acts and transactions done and performed by the said Ferris Industrial School up to and including the 14th day of March, A. D. 1905, the date when the said Act for the Renewal of its Charter was approved, shall have the same force and affect, and be as valid to all intents and purposes as if the said Act of renewal had been approved before the expiration of its Charter; and the title to all real estate vesting in the said Ferris Industrial School at the time the Charter expired shall be vested in and held by the said Ferris Industrial School, as renewed and reenacted by the said act, approved March 14th, A. D. 1905, and be as valid to all intents and purposes as if the said act of renewal had been approved before the said Charter expired.

That all acts and transactions prior and up to March 14, 1905 be valid to all intents and purposes.

Approved April 13, A. D. 1911.



## OF REFORM SCHOOLS.

## CHAPTER 132.

## OF REFORM SCHOOLS.

AN ACT to further Amend the Act, entitled, "An Act to incorporate the Ferris Reform School."

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two-thirds of all the members elected to each House of the General Assembly concurring) :*

Chap. 119,  
Vol. 23,  
amended.

Section 1. That the Act, entitled, "An Act to further amend the Act, entitled, 'An Act to incorporate the Ferris Reform School,' " approved March 27, A. D. 1905, being Chapter 119, Vol. 23 of Laws of Delaware, be, and the same is hereby amended by adding to section 1, of said Act, after the word "Board" at the end of the 14th line of said section, the following:

Levy Court  
of New  
Castle  
County shall  
appropriate  
\$1000.

"provided, however, if at any time the number of boys in said school in any month, as shown by the said certificate, shall not be sufficient to make said appropriation for that month equal to the sum of One thousand dollars, then the said Levy Court of New Castle County, shall appropriate for and pay to said school the sum of One thousand dollars, it being the purpose of this amendment that the minimum amount appropriated and paid to said school by said Levy Court for any one month shall be One thousand dollars."

Further  
amended.

Word "New  
Castle"  
stricken out,  
and the word  
"Sussex"  
inserted in  
lieu thereof.

Section 2. That the said Act to Incorporate the Ferris Reform School, passed at Dover, March 10, 1885 as the same has been amended, be and the same is hereby further amended by striking out the word "New Castle" in the second line of the fourth paragraph of Section 5 thereof, being that part of Section 5, which was added by Chapter 119, Volume 23, Laws of Delaware, and inserting in lieu thereof the word "Sussex."

## OF REFORM SCHOOLS.

Also by inserting in said paragraph of Section 5 of said Act between the words "offense" and "It" in the sixth line of said paragraph the following:

"The Associate judges resident in said Counties, shall also in their respective Counties have the power to commit to the custody of said Board of Trustees, any boys between the age of nine and sixteen years, who are vagrant or incorrigible, or who because of vicious conduct cannot be controlled, or whose parents, guardians or other persons in whose custody said minors are, are incapable or unwilling or have neglected to exercise the proper care and discipline over them."

Associate Judges empowered to commit to custody of Board of Trustees vagrant or incorrigible boys between nine and sixteen years of age.

Approved April 13, A. D. 1911.

## OF REFORM SCHOOLS.

## CHAPTER 132.

## OF REFORM SCHOOLS.

AN ACT to further Amend the Act, entitled, "An Act to incorporate the Ferris Reform School."

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two-thirds of all the members elected to each House of the General Assembly concurring) :*

Chap. 119,  
Vol. 23,  
amended.

Section 1. That the Act, entitled, "An Act to further amend the Act, entitled, 'An Act to incorporate the Ferris Reform School,'" approved March 27, A. D. 1905, being Chapter 119, Vol. 23 of Laws of Delaware, be, and the same is hereby amended by adding to section 1, of said Act, after the word "Board" at the end of the 14th line of said section, the following:

Levy Court  
of New  
Castle  
County shall  
appropriate  
\$1000.

"provided, however, if at any time the number of boys in said school in any month, as shown by the said certificate, shall not be sufficient to make said appropriation for that month equal to the sum of One thousand dollars, then the said Levy Court of New Castle County, shall appropriate for and pay to said school the sum of One thousand dollars, it being the purpose of this amendment that the minimum amount appropriated and paid to said school by said Levy Court for any one month shall be One thousand dollars."

Further  
amended.

Word "New  
Castle"  
stricken out,  
and the word  
"Sussex"  
inserted in  
lieu thereof.

Section 2. That the said Act to Incorporate the Ferris Reform School, passed at Dover, March 10, 1885 as the same has been amended, be and the same is hereby further amended by striking out the word "New Castle" in the second line of the fourth paragraph of Section 5 thereof, being that part of Section 5, which was added by Chapter 119, Volume 23, Laws of Delaware, and inserting in lieu thereof the word "Sussex."

## OF REFORM SCHOOLS.

Also by inserting in said paragraph of Section 5 of said Act between the words "offense" and "It" in the sixth line of said paragraph the following:

"The Associate judges resident in said Counties, shall also in their respective Counties have the power to commit to the custody of said Board of Trustees, any boys between the age of nine and sixteen years, who are vagrant or incorrigible, or who because of vicious conduct cannot be controlled, or whose parents, guardians or other persons in whose custody said minors are, are incapable or unwilling or have neglected to exercise the proper care and discipline over them."

Associate Judges empowered to commit to custody of Board of Trustees vagrant or incorrigible boys between nine and sixteen years of age.

Approved April 13, A. D. 1911.

## OF DENTISTRY.

## CHAPTER 133.

## OF DENTISTRY.

AN ACT to Regulate the Practice of Dentistry, being an Act amending Chapter 242, Volume 21, Laws of Delaware.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Sec. 2. Chap.  
242, Vol. 21,  
amended.

Section 1. That Section 2, of Chapter 242, Volume 21, Laws of Delaware, be, and the same is hereby amended by striking out of said Section the word "ten" in the next to the last line of said Section, and substituting in lieu thereof, the word "twenty."

Approved April 13, A. D. 1911.

OF DENTISTRY.

CHAPTER 134.

OF DENTISTRY.

AN ACT to Regulate the practice of Dentistry, being an Act further amending Chapter 496, Volume 17, Laws of Delaware.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Section 1. That Section 5, of Chapter 496, Volume 17 Laws of Delaware, be and the same is hereby amended by striking out of said section the words "upon the payment of One Dollar for such certificate." Sec. 5, Chap. 496, Vol. 17, amended.

Section 2. That Section 8, of said Act be, and the same is hereby repealed, and there shall be substituted in lieu thereof the following: Sec. 8 repealed.

"The State Board may without examination, issue a license to any applicant therefor who shall furnish satisfactory proof, said proof to be deposited in person with the Secretary of the State Board of Dental Examiners of this State, that he has been duly licensed to practice dentistry in some State other than Delaware, and that he has been lawfully and reputably engaged in said practice for five years next preceding his application, provided, however, that the State recommending such applicant requires a preliminary education required in this State and provided the State in which he lives extends to the dentists of this State who may remove to said State, a similar privilege of practicing without examination. May issue license without examination in certain cases.

The fee for such a license shall be Twenty Dollars (\$20.00)." Fee of \$20.

Approved April 13, A. D. 1911.

## OF BOARD OF PHARMACY.

## CHAPTER 135.

## OF BOARD OF PHARMACY.

AN ACT in relation to the duties of the Delaware Pharmaceutical Society.

Preamble.

Whereas, the Delaware Pharmaceutical Society, a corporation of this State, expired by limitation and to perpetuate the objects of said society, the members thereof organized a new society bearing the same name which on or about the ninth day of January, A. D., nineteen hundred and eleven, was duly incorporated under the laws of the State of Delaware.

*Therefore be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Duty of the  
Society.

That the same duty imposed by law of submitting to the Governor the names of person properly qualified for appointment to the Board of Pharmacy and the privileges incident thereto as heretofore exercised by the Delaware Pharmaceutical Society, are hereby enjoined upon and granted to the new corporation organized as aforesaid.

Approved April 6, A. D. 1911.

# TITLE SEVENTH

Of the Poor; the Insane; Deaf and Dumb, and  
the Blind.

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## CHAPTER 136.

### OF THE POOR.

**AN ACT to Re-vest in the Trustees of the Poor of Sussex County a building in Sussex County known as "The Insane Department."**

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Section 1. That the trustees of the poor of Sussex County are hereby authorized and empowered to take, receive and hold for the use of Sussex County the building in Sussex County known as "The Insane Department," and the State Board of Trustees of the Delaware State Hospital at Farnhurst is hereby authorized, empowered and directed to grant and convey to the trustees of the poor of Sussex County all their right and interest in such building.

Building  
known as  
"The Insane  
Depart-  
ment," to be  
conveyed to  
the trustees  
of the poor  
of Sussex  
County.

Approved March 15, A. D. 1911.



## OF THE POOR.

## CHAPTER 137.

## OF THE POOR.

AN ACT to amend Section 14, Chapter 48 of the Revised Code of the State of Delaware as published in 1893, in relation to the liability of relations of poor persons for the support of such poor persons.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Sec. 14,  
Chap. 48, of  
the Revised  
Code,  
amended.

Section 1. That Section 14 of Chapter 48 of the Revised Code of the State of Delaware as published in 1893, be hereby amended by striking out all of said Section 14 and inserting in lieu thereof the following:

Relations of  
any poor  
person shall  
be liable for  
support of  
same.

May con-  
tribute  
equally.

Superior  
Court may  
order such  
support.

Court may  
require  
bond.

May enforce  
compliance  
by imprison-  
ment.

“Section 14. When any poor person shall be unable to support himself or herself, the parents, grandparents, children and grandchildren of such poor person shall be liable for his or her support in the order as named; if the relation prior in order shall not be able, the next in order shall be liable, and several relations of the same order shall, if able, contribute equally. In case of neglect to provide such support, the Superior Court shall have power, upon the complaint of any poor person, or of any trustee of the poor of the proper County, or of any person interested, to order such relation or relations to pay a reasonable monthly sum for the support of such poor person, payable as the Court shall direct, either to such poor person, or to the Trustees of the Poor of the County, or to any firm or corporation having the care and support of such poor person; and the Court may require in its discretion bond to be given by the person or persons upon whom such order is made, with sufficient surety, for the payment of such sum according to such order, and may also enforce compliance with such order by imprisonment.

Approved March 29, A. D. 1911.

OF THE INSANE.

CHAPTER 138.

OF THE INSANE.

AN ACT to Amend Section 1, Chapter 49 of the Laws of Delaware, as published in the Revised Code of 1852, as amended, &c., in 1893.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Section 1. That Section 1, Chapter 49 of the Revised Code of 1852, as amended in 1893, be amended by adding after the word "insane," at the end of the said section, the following:

Sec. 1, Chap.  
49, Revised  
Code  
amended.

"Where, however, the person named is at the time of making the application an inmate of the Delaware State Hospital at Farnhurst, the Chancellor may in his discretion appoint a trustee or trustees for such person without issuing a writ to so inquire by a jury and determine whether the person named is insane; provided, however, that in any case the person alleged to be insane, or any person related to such person within the third degree of consanguinity, may at any time before the appointment of such trustee require that a writ issue to inquire by a jury and determine whether the person named is insane.

Chancellor  
may ap-  
point trust-  
ee without  
inquiring  
whether per-  
son is insane.

Person al-  
leged to be  
insane, or a  
related per-  
son may be-  
fore ap-  
pointment  
require that  
a writ issue.

The Chancellor shall have authority to make rules for carrying into effect the provisions of this amendment."

Chancellor  
may make  
rules.

Approved March 14, A. D. 1911.

## OF THE INSANE.

## CHAPTER 139.

## OF THE INSANE.

AN ACT in relation to certain persons admitted to the New Castle County Hospital.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Certain persons compelled to work for thirty days after being pronounced physically able.

Section 1. Any person admitted to the New Castle County Hospital at Farnhurst, suffering from the effects of Alcoholism, Venereal Disease, (or from any other disease which is the results of self abuse) or any man commonly known as a tramp or beggar, shall be compelled to work, under the instructions and orders of the Superintendent of said Hospital for the period of thirty days from the time that the attending physicians of said Hospital pronounce such person physically able to work.

Penalty for refusal to work.

Refusal of such person or persons to do such work as is assigned to them by said Superintendent shall be deemed guilty of a misdemeanor, and shall be committed to the New Castle County Work House to serve as many days as was due to work under the orders of the Superintendent of said Hospital.

Approved April 4, A. D. 1911.

OF THE INSANE.

CHAPTER 140.

OF THE INSANE.

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AN ACT appropriating Eight Thousand and Eleven Dollars and sixty-nine cents to The State Board of Trustees of the Delaware State Hospital at Farnhurst.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Section 1. That the sum of Eight Thousand and Eleven Dollars and Sixty-nine Cents is hereby appropriated and authorized to be paid out of the treasury of this State to The State Board of Trustees of the Delaware State Hospital at Farnhurst, in addition to the amount heretofore appropriated, for the purpose of paying the obligations of the said The State Board of Trustees of the Delaware State Hospital at Farnhurst incurred in connection with the support and maintenance of the Delaware State Hospital at Farnhurst.

Appropriation of Eight Thousand and eleven dollars and sixty-nine cents to pay obligations of Board of Trustees.

Approved February 24, A. D. 1911.

## OF THE INSANE.

## CHAPTER 141.

## OF THE INSANE.

AN ACT appropriating Twenty-five Thousand Dollars to the State Board of Trustees of the Delaware State Hospital at Farnhurst.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Twenty-five  
thousand  
dollars ap-  
propriated.

Section 1. That the sum of Twenty-five Thousand Dollars is hereby appropriated and authorized to be paid out of the treasury of this State to The State Board of Trustees of The Delaware State Hospital at Farnhurst as an appropriation for the use and support of The Delaware State Hospital at Farnhurst.

Approved March 3, A. D. 1911.

## OF THE INSANE.

## CHAPTER 142.

## OF THE INSANE.

AN ACT appropriating the sum of One Thousand One hundred and fifty dollars to the State Board of Trustees of the Delaware State Hospital at Farnhurst.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Section 1. That the sum of one thousand one hundred and fifty dollars, or so much thereof as may be necessary, is hereby appropriated and authorized to be paid out of the Treasury of this State to the State Board of Trustees of the Delaware State Hospital at Farnhurst, which said sum is to be used for the following and no other purposes, to wit:

One thousand and one hundred and fifty dollars appropriated.

The sum of nine hundred dollars, part thereof, or so much thereof as may be necessary, for the purpose of repairing and removing the flooring in the wards of the Delaware State Hospital at Farnhurst; the sum of two hundred and fifty dollars, part thereof, or so much thereof as may be necessary, for the purpose of painting the Tuberculosis Building and to Superintendent's Residence at the Delaware State Hospital at Farnhurst.

Purpose of the appropriation.

Approved March 28, A. D. 1911.

## OF THE INSANE.

## CHAPTER 143.

## OF THE INSANE.

AN ACT appropriating One Hundred and Twenty Thousand Dollars to the State Board of Trustees of the Delaware State Hospital at Farnhurst.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Forty-seven  
thousand  
and five hun-  
dred dollars  
appro-  
priated.

Section 1. That the sum of Forty-seven Thousand and Five Hundred Dollars, or so much thereof as may be necessary, is hereby appropriated and authorized to be paid out of the treasury of this State to The State Board of Trustees of the Delaware State Hospital at Farnhurst for the use and support of The Delaware State Hospital at Farnhurst during the fiscal year ending on Monday next immediately preceding the second Tuesday of January in the year A. D. 1912.

Seventy-two  
thousand  
and five hun-  
dred dollars  
appro-  
priated.

Section 2. That the further and additional sum of Seventy-two Thousand and Five Hundred Dollars, or so much thereof as may be necessary, be and the same is hereby appropriated and authorized to be paid out of the treasury of this State to The State Board of Trustees of The Delaware State Hospital at Farnhurst for the use and support of the Delaware State Hospital at Farnhurst during the fiscal year ending on Monday next immediately preceding the second Tuesday of January in the year A. D. 1913.

Approved March 28, A. D. 1911.

OF THE BLIND.

CHAPTER 144.

OF THE BLIND.

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AN ACT to amend an Act entitled "An Act establishing the Delaware Commission for the Blind, defining the duties and powers of said Commission and providing for an appropriation to pay the expenses thereof," approved March 31, A. D. 1909, being Chapter 73, of Volume 25, of the Laws of Delaware.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Section 1. That the Act entitled "An Act establishing the Delaware Commission for the Blind, defining the duties and powers of said Commission and providing for an appropriation to pay the expenses thereof," approved March 31, A. D. 1909, being Chapter 73, of Volume 25, of the Laws of Delaware, be amended as follows:

First: By striking out all of Section 9 thereof and inserting in lieu thereof the following:

"Section 9. There shall be appropriated annually for the purposes of said Commission the sum of three thousand dollars (\$3,000.00), and the State Treasurer is hereby authorized and directed to pay to the Treasurer of said commission in the month of April in each year, said sum of three thousand dollars (\$3,000.00), the first payment to be made in the month of April, A. D. 1911."

Three thous-  
and dollars  
appro-  
priated.  
State Treas-  
urer to pay  
annually.

First pay-  
ment to be  
made.

Second: By adding a new Section to the Act aforesaid, to be known as Section 11, as follows:

"Section 11. That the Act entitled "An Act making appropriation to furnish books for the blind of this State" being Chapter 413, of Volume 14, of the Laws of Delaware, be and the same is hereby repealed."

Chap. 413.  
Vol. 14 re-  
pealed.



## OF THE BLIND.

Third: By adding a new Section to the Act aforesaid to be known as Section 12, as follows:

Chap. 838,  
Vol. 19, re-  
pealed.

"Section 12. That the Joint resolution entitled "Joint Resolution relating to the indigent blind, deaf, dumb and idiotic, being Chapter 838 of Volume 19, of the Laws of Delaware, be and the same is hereby repealed."

Fourth: By adding a new Section to the Act aforesaid, to be known as Section 13, as follows:

Authorized  
to appoint a  
representa-  
tive to visit  
institutions  
outside the  
State.

"Section 13. That the said The Delaware Commission for the Blind is, and it is hereby authorized, and it is hereby made its duty, to appoint a representative to visit during the months of April and October in each and every year, the institutions outside of this State, wherein the indigent blind, deaf, dumb and idiotic children of this State are maintained and instructed, in order to ascertain whether or not they are receiving proper treatment and instruction and are making such improvement or advancement as will justify the State in incurring the necessary expense attached to their remaining in said institutions, and the said Commission shall make a detailed report of such investigation, in writing, annually to the Governor."

Shall make  
a report to  
the Gover-  
nor.

Approved March 24, A. D. 1911.

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# TITLE EIGHTH

## Of the General Police.

### CHAPTER 145.

#### GENERAL PROVISIONS RESPECTING THE POLICE.

AN ACT to exempt Automobiles used for certain public purposes from the payment of Automobile License Fees.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Section 1. That all automobiles or automobile apparatus owned and used by any Fire Engine Company, or Fire Department in the State, or by any hospital in the State, shall be and they are hereby made exempt from the payment of all Registration or license fees for State, County or Municipal purposes.

Automobiles  
owned by  
Fire Engine  
Companies,  
Fire Depart-  
ments, and  
hospitals  
exempt from  
license.

Section 2. That the person operating such automobiles or automobile apparatus mentioned in Section 1 of this Act, shall not be required to take out any license for the purpose of operating such automobile or automobile apparatus.

Operator  
not required  
to take out  
license.

Approved March 28, A. D. 1911.

## GENERAL PROVISIONS RESPECTING THE POLICE.

## CHAPTER 146.

## GENERAL PROVISIONS RESPECTING THE POLICE.

AN ACT for the protection of owners of Motor Vehicles.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

No person shall climb into, throw missiles at, or in any way tamper or interfere with a Motor Vehicle, whether in motion or at rest.

Fine imposed.  
In default of payment of fine.

Section 1. Any person, who shall without authority of, or consent by the owner or person in charge of a Motor Vehicle, climb upon or into such Motor Vehicle, whether the same is in motion or at rest, or who shall hurl stones or other missiles at the said Motor Vehicle, or at the occupants thereof, or who while such Motor Vehicle is at rest, shall sound any alarm or other signal device of such Motor Vehicle, or who shall attempt to manipulate any of the levers, the starting crank, brakes or other machinery of such Motor Vehicle, or who shall in any way attempt to set the said Motor Vehicle in motion, or who shall in any way damage, tamper with or interfere with such Motor Vehicle, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall forfeit and pay a fine of not less than Five Dollars nor more than twenty-five dollars, and in default of the payment of such fine shall be imprisoned for a term not exceeding three months or may be both fined and imprisoned at the discretion of the Court.

Shall not place any glass, sharp substance, or obstruction.

Fine and imprisonment.

Section 2. Any person who shall throw, place or deposit any glass or other sharp or cutting substance or who shall place any obstruction upon any public highway of this State, which endangers the tires of Motor Vehicles travelling upon such highway, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall forfeit and pay a fine of not less than ten dollars, or may be imprisoned not exceeding ten days, or both at the discretion of the Court.

## GENERAL PROVISIONS RESPECTING THE POLICE.

Provided that nothing herein contained shall apply to or in- <sup>Proviso.</sup>  
terfere with materials used or obstructions placed on high-  
ways in the repair or improvement of highways by authori-  
ties in control of them.

Section 3. Any person who shall take and operate the <sup>Taking and</sup>  
Motor Vehicle of another without the consent of the owner <sup>operating</sup>  
thereof, or the person having the same in charge, shall be <sup>without con-</sup>  
guilty of felony, and upon conviction thereof, shall be fined <sup>sent of</sup>  
not exceeding one hundred dollars, and imprisoned for a <sup>owner.</sup>  
term of not less than one month, nor more than one year or <sup>Penalty.</sup>  
both at the discretion of the Court.

Approved March 14, A. D. 1911.

## OF THE SALE OF INTOXICATING LIQUORS.

## CHAPTER 147.

## OF THE SALE OF INTOXICATING LIQUORS.

AN ACT regulating the sale of Intoxicating Liquors for Medicinal purposes.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Prescrip-  
tions for in-  
toxicating  
liquors.

Shall set  
forth what.

Shall sign  
full name.

Must be  
actually  
sick.

Name of  
liquor.

Arrangement  
of prescrip-  
tion blanks.

How written  
and used.

Section 1. That from and after the approval of this Act all prescriptions for intoxicating liquors for medicinal purposes shall be written by regular practicing physicians in blank prescription books which shall be furnished by the Clerks of the Peace of the various Counties of this State upon application made by any regular practicing physician. Such prescriptions shall set forth the kind and quantity of liquors prescribed, the name of the person for whom prescribed, the date on which the prescription is written and the directions for use, and shall be signed by the full name of the physician issuing the same, and no physician shall write any prescription for intoxicating liquors except the person for whom it is issued is actually sick and such liquor is required as a medicine for such illness, and the ordinary or common name of the liquor shall be used.

Section 2. In preparing the said prescription blanks the Clerks of the Peace shall arrange the same in book form so that two of said prescription blanks shall be printed on the same page with a perforated line connecting them so that one of the blanks may be easily removed from the prescription book, leaving the other prescription blank remaining therein, and it shall be the duty of any physician when writing a prescription for intoxicating liquor to write the same upon one of the two blanks in said prescription book and an exact copy thereof on the other of the two blanks, and shall give one of the said prescriptions to the person ap-

OF THE SALE OF INTOXICATING LIQUORS.

plying for the same, and shall leave the copy of said prescription attached to the book and remaining therein.

No book shall contain more than fifty pages of prescriptions and when any physician shall have used all the blanks in any one of said books, it shall be his duty to return the book with the copies therein to the Clerk of the Peace of the County in which said physician may reside, at which time, he shall be entitled to receive another of such blank prescription books from the Clerk of the Peace. The Clerk of the Peace shall preserve the said books so returned by physicians as aforesaid as part of the records of his office, and the same shall be open for inspection.

Book to contain fifty pages.

Shall return to Clerk of the Peace.

Returned books open to inspection.

Section 3. Every druggist in this State who holds a license for the sale of intoxicating liquors shall keep in good faith in a book which he shall provide for the purpose, an exact and true record of all prescriptions filled by him, the date on which the same are filled, the name of the purchaser, and the kind, quantity and price of such liquors, and the name of the physician prescribing the same and the purchaser shall sign his name in the book so kept as aforesaid thereby certifying that the said liquor is purchased by him for medicinal purposes, and the prescription shall be cancelled by the druggist filling the same by his writing on it the word "cancelled" and the date on which it was presented and filled, and shall then be kept on file and no prescription for intoxicating liquors shall be filled the second time. The book of record for druggists hereinbefore provided for, shall at all times be open for inspection by the public, and all prescriptions so filed by him shall also be open to examination at any and all times by any person who may desire to examine the same.

Every druggist shall keep a book.

What the book shall contain.

Shall be cancelled.

Shall not be filled second time.

Shall be open to inspection.

Section 4. That every druggist upon making application for a license to sell intoxicating liquors as is now provided by law before any license shall be granted to him shall in addition to the oath now required by law make oath to the effect that he has not sold any intoxicating liquors except

Druggist shall make oath.

## OF THE SALE OF INTOXICATING LIQUORS.

upon the written prescription of a regular practicing physician and that he has not in any manner violated any of the provisions of this Act.

Penalty for failure, or neglect to comply with requirements.

Fine or imprisonment.

Physician may be fined, or imprisoned for violation.

Purchaser may be fined, or imprisoned for certifying falsely.

Section 5. Any druggist in this State who shall fail to keep such a record as provided in Section 3 of this Act or shall fail or refuse to make any entry therein as required by the provisions of this Act, or shall alter or destroy any such record or entry therein, or permit or procure the same to be destroyed, altered or changed, or shall fail to cancel any prescription in the manner hereinbefore provided, or shall refill any prescription or shall sell any intoxicating liquors except upon the prescription of a regular practicing physician or shall refuse to allow any person to inspect either the prescriptions filed on the book of record kept, shall upon conviction therefor be fined not less than One Hundred Dollars nor more than Five Hundred Dollars or be imprisoned for a period of not less than one month nor more than six months at the discretion of the Court, and any physician who may violate any of the provisions of this Act upon conviction therefor shall be fined in the sum of not less than One Hundred Dollars nor more than Five Hundred Dollars or shall be imprisoned for a term of not less than one month nor more than six months at the discretion of the Court.

Section 6. Should any purchaser of Intoxicating liquors falsely certify in the book of record hereinbefore required to be kept by all licensed druggists that such intoxicating liquor is for medicinal purposes, then and in such case the person so falsely certifying as aforesaid, shall be guilty of a misdemeanor and upon conviction therefor shall be fined not less than One Hundred Dollars nor more than Five Hundred Dollars, and may be imprisoned for a term of not less than one month nor more than three months at the discretion of the Court.

Section 7. All acts or parts of acts inconsistent herewith are hereby repealed.

OF THE SALE OF INTOXICATING LIQUORS.

Section 8. The provisions of this act shall be applicable only to Kent and Sussex Counties.

Shall apply  
only to Kent  
and Sussex  
Counties.

Approved March 28, A. D. 1911.



## OF FISH, OYSTERS AND GAME.

## CHAPTER 148.

## OF FISH, OYSTERS AND GAME.

AN ACT for the protection of certain Fish in the fresh waters of the State of Delaware other than the Delaware River.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Unlawful to catch, kill, or have in possession certain fish.

Section 1. That from and after the passage of this Act it shall be unlawful to catch, take, remove from, kill, destroy or have in possession, fish known as bass, pike, pickerel, wall-eyed pike, or pike perch, California or rainbow trout, German or brown trout, and speckled or brook trout in any bodies of fresh water, canals, ponds, lakes, brooks, creeks or running streams in this State other than the Delaware River, except as hereinafter provided.

Unlawful to use device or contrivance.

Section 2. That it shall be unlawful to make use of any set line, net (except as hereinafter provided), trap, dynamite, explosive material, device or contrivance whatever for the purpose of taking, catching, removing from, killing or destroying any fish in any of the bodies of fresh water named in Section 1 of this Act.

May catch with hook and line certain fish.

Section 3. That it shall be lawful to take and catch with the rod, line or hook, in common use for catching fish, which rod, line and hook shall always be under the immediate observation of the person using it, bass, pike, pickerel, wall-eyed pike, and pike perch between the 20th day of May and the thirtieth day of November, both inclusive, in each and every year, and California or rainbow trout, German or brown trout, and speckled or brook trout between the sixteenth day of April and the fifteenth day of August, both inclusive, in each and every year; provided that every bass under the length of eight inches, every pike, pickerel, wall-eyed pike, or pike perch under the length of ten inches, and

When they may be caught.

Certain other fish when.

## OF FISH, OYSTERS AND GAME.

every brook trout, rainbow or other trout under the length of six inches when hooked and caught shall be, with the least possible injury and as quickly as possible and with wet hands returned to the water by the person catching it. And further, that it shall be unlawful to have any of the above named fish in possession for more than five days after the last day of the respective open seasons.

Under certain length, must be returned to the water.

Shall not have in possession.

Section 4. That it shall be unlawful to expose for sale or sell within this State any fish named in the Third Section of this Act unless lawfully caught by the person selling them and within the County of his residence, unless caught outside of this State, or unless sold, cooked and prepared for eating by a restaurant keeper who has lawfully bought them and in the season when it is lawful to have such fish in possession.

Unlawful to expose for sale, or to sell.

Section 5. That it shall be lawful to catch German Carp in the waters of the Chesapeake and Delaware Canal in gill nets of not less than a five inch mesh, and shad, herring, cat fish, white and yellow perch and carp in tidal waters and in the locks of the Chesapeake and Delaware Canal in gill and haul nets, provided that all other fish which are alive caught in said nets shall be returned with wet hands as quickly as possible and with the least possible injury to the water; and provided further that all German Carp taken in nets in the Chesapeake and Delaware Canal shall be inspected by a game warden before being sold or shipped.

German Carp.

Shad, herring, white perch, etc.

All other fish to be returned to the water.

German Carp shall be inspected.

Section 6. That it shall be unlawful to draw or lift any net set in the Chesapeake and Delaware Canal for German Carp from one hour after sunset of one day to one hour before sunrise of the following day.

Time for catching German Carp.

Section 7. That any person violating any of the provisions of this act, for which the penalty is not specifically prescribed, shall forfeit and pay not less than five dollars nor more than one hundred dollars and costs for every offense (the unlawful catching, killing, selling or exposing for sale

Not less than \$5, nor more than \$100.

## OF FISH, OYSTERS AND GAME.

Separate  
offence.

One half of  
fine to in-  
former.

Penalty for  
failure to  
pay fine.

Shall not  
apply to  
Kent  
County.

of each separate fish to constitute a separate offense) one-half of said fine to be for the use of the informer and one-half to be paid to the game and fish Commissioners of the State of Delaware; Provided that any person or persons so offending upon conviction thereof, and failing to pay said fine and costs imposed, unless an appeal be taken, shall be committed to the jail or workhouse of the county where the offense is committed for thirty days unless said fine and costs be sooner paid.

Section 8. That the foregoing provisions for the protection of pike, pickerel, wall-eyed pike and pike perch against being taken in nets, shall not apply to Kent County.

Section 9. That all Acts or parts of Acts in so far as the same are inconsistent with the provisions of this Act be and the same are hereby repealed.

Approved April 27, A. D. 1911.

## OF FISH, OYSTERS AND GAME.

## CHAPTER 149.

## OF FISH, OYSTERS AND GAME.

AN ACT to amend Chapter 127, Volume 25, Laws of Delaware, entitled "An Act for the protection of certain fish in the waters and streams of the State of Delaware, other than tidal waters."

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Section 1. That Chapter 127, Volume 25, Laws of Delaware, entitled "An Act for the Protection of certain Fish in the Waters and Streams of the State of Delaware, other than Tidal Waters," be and the same is hereby amended by adding after the last Section of said act, a new Section as follows:

Section 10. That the provisions in the preceding sections of this Act shall not be held to prohibit the catching of herring by means of nets or seine in the waters of the Chesapeake and Delaware Canal between the gates of the Lock at Delaware City.

Chap. 127,  
Vol. 25,  
amended.  
  
Not to prohibit the catching of herring.

Approved March 2, A. D. 1911.

## OF FISH, OYSTERS AND GAME.

## CHAPTER 150.

## OF FISH, OYSTERS AND GAME.

AN ACT to Amend Section 3 of Chapter 127, Volume 25, Laws of Delaware, entitled "An Act for the protection of certain fish in the Waters and Streams of the State of Delaware other than Tidal Waters."

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Sec. 3, Chap.  
127, Vol. 25,  
amended.

Section 1. That Section 3 of Chapter 127, Volume 25, Laws of Delaware, entitled "An Act for the Protection of certain Fish in the Waters and Streams of the State of Delaware other than tidal Waters," be, and the same is, hereby amended by adding after the last word in said section the following words, "provided that it shall be lawful to take and catch any pike, pickerel, wall-eyed pike or pike perch in the waters in Kent County at any time of the year."

Approved March 14, A. D. 1911.

## OF FISH, OYSTERS AND GAME.

## CHAPTER 151.

## OF FISH, OYSTERS AND GAME.

AN ACT Requiring Persons using Stakes in the Delaware Bay for the purpose of setting Shad Nets to pull up and remove said Stakes at the expiration of the Shad season.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Section 1. That from and after the approval of this Act all persons using stakes in the waters of the Delaware Bay within the jurisdiction of Delaware for the purpose of setting nets to catch shad, or for any other fishing purposes, shall be required to pull up and remove said stakes from the waters of said Bay on or before the fifteenth day of June in each year, and such persons shall not be permitted to place such stakes in the waters of this State from the said fifteenth day of June until the first day of March following.

Stakes for setting shad nets to be removed on or before June 15.

Stakes not to be placed before March 1.

Section 2. Any person or persons violating the provisions of this Act shall be deemed guilty of a misdemeanor, and upon conviction thereof in the Court of General Sessions, shall be fined in a sum not exceeding Fifty Dollars, or imprisoned for a term not exceeding thirty days, or both fined and imprisoned, in the discretion of the Court.

Penalty for violation of act.

Approved March 28, A. D. 1911.

## OF FISH, OYSTERS AND GAME.

## CHAPTER 152.

## OF FISH, OYSTERS AND GAME.

AN ACT Fixing the Time for Catching Shad in the Mispillion River.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Time fixed  
for catching  
shad in Mis-  
pillion River.

Section 1. That from and after the approval of this Act it shall be unlawful for any person or persons to catch and take, or to attempt to catch and take, any shad from the waters of Mispillion River, except between the first day of March and the fifteenth day of May, inclusive, in each year, and also except between the hours of twelve o'clock noon of every Saturday and twelve o'clock noon of the following Monday.

Penalty for  
violation of  
act.

Section 2. Any person or persons violating the provisions of this Act shall be deemed guilty of a misdemeanor, and upon conviction thereof in the Court of General Sessions, shall be fined in a sum not less than Fifty Dollars, or imprisoned for a term not exceeding thirty days, or both fined and imprisoned, in the discretion of the Court.

Approved March 28, A. D. 1911.

• OF FISH, OYSTERS AND GAME.

CHAPTER 153.

OF FISH, OYSTERS AND GAME.

AN ACT to amend Chapter 131, Volume 25, Laws of Delaware, entitled, "An Act providing for a Resurvey and Plotting of the Oyster Grounds of Delaware Bay and the Creation of a Commission to carry out the Provisions thereof."

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Section 1. That Chapter 131, Volume 25, Laws of Delaware, be amended by adding thereto the following new sections, which shall be known as Sections 5, and 6:

Chap. 131.  
Vol. 25,  
amended.

"Section 5. It shall be the duty of the said Commission to publish with its report a copy of the Chart of the survey and a carefully prepared codification of the Oyster Laws of the State.

Duty of the  
Commission.

Section 6. The sum of five hundred dollars or so much thereof as may be necessary, is hereby appropriated for the purpose of enabling the Commission to carry out the provisions of the preceding Section."

Five Hun-  
dred Dollars  
appro-  
priated.

Approved March 29, A. D. 1911.



## OF FISH, OYSTERS AND GAME.

## CHAPTER 154.

## OF FISH, OYSTERS AND GAME.

AN ACT in relation to the leasing of Oyster Bottoms in the Delaware Bay.

Preamble. Whereas by an Act of the General Assembly, approved April fifth, 1909, a commission was created for the purpose of having a survey made of the Oyster Grounds of the Delaware Bay,

Preamble. And Whereas the said survey was completed on the first day of July, 1910, and a chart made of the bottoms covered by the existing leases,

Preamble. And Whereas, in order that the said survey and chart may be made effective and of value to the Oyster Industry, Therefore

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Official  
Chart.

Section 1. That the survey and chart made under the direction of the commission created by Act of the General Assembly, approved April fifth, 1909, which chart bears date the first day of July, 1910, be, and the same is hereby made the official chart of the survey of the Oyster Grounds of the Delaware Bay, including bottoms occupied on the date aforesaid; and all new licenses issued by the Oyster Revenue Collector shall be issued and prepared in accordance with said official chart.

Require-  
ments for  
permanent  
lease.

Section 2. That hereafter no permanent lease for bottom within the boundaries described in Section 12, Chapter 653, Volume 19, Laws of Delaware, as the same has been or may hereafter be amended, shall be granted, nor shall a license be issued, unless the boundaries of the same are laid out and established and clearly marked on the official chart.

## OF FISH, OYSTERS AND GAME.

When application is made for a license, however, the Oyster Revenue Collector shall issue a temporary license which shall give the licensee the same rights as a permanent license, but said temporary license shall be good only until a survey of said leased bottom can be made as hereinafter provided. Such temporary license shall be based upon approximate location of new bottom as marked out on the official chart.

Temporary  
license.

Good for  
how long.

Section 3. For the purpose of keeping the official chart up to date, the Oyster Revenue Collector shall in the month of June, July or August, of the year 1911, cause a survey to be made of all portions of the bottom leased since July the first, 1910, and shall cause the location of the same to be marked on the official chart, together with the date of such revision of the official chart; and a like survey of all new portions of the bottom leased since the day of the revision of the official chart shall be made in the month of June, July or August of each and every year, and a like revision shall be made in the official chart.

Oyster Rev-  
enue Col-  
lector shall  
cause survey  
to be made.

Section 4. The Oyster Revenue Collector shall charge in addition to the fees now provided by law, the sum of two dollars and fifty cents for each corner necessarily made in marking out the plot of new portions of the bottom desired to be leased, and the sum so charged by him shall be used in paying the expenses of the surveys provided for in the preceding section.

Oyster Rev-  
enue Collec-  
tor shall  
make addi-  
tional  
charge.

Section 5. The Oyster Revenue Collector, for the purpose of assisting the making of any additional surveys, shall keep and maintain the survey monuments, signal towers, etc., established in the survey of 1910, above referred to, and any person who shall wilfully injure or destroy any of such monuments or towers or other property used for the purpose aforesaid shall be guilty of a misdemeanor and shall be punished by a fine or imprisonment within the discretion of the court.

Shall keep  
the survey  
monuments,  
signal tow-  
ers, etc.

Penalty for  
destroying  
such monu-  
ments, tow-  
ers, etc.

## OF FISH, OYSTERS AND GAME.

No future lease shall be granted if certain conditions exist.

Section 6. That no future lease, or modification of any existing lease resulting from the survey of 1910, shall be granted for Oyster bottoms the boundaries of which are so placed that the adjacent "turn rows" will be greater than twenty yards, if the adjacent vacant space remaining for licensing be less than two hundred and fifty yards.

Collector shall keep the official chart.

Shall keep a record of leases.

Section 7. The Oyster Revenue Collector shall keep and maintain the official chart and shall permit the same to be examined and copied by any person upon request. He shall also keep a book in which shall be recorded the leases made by him.

Where license is about to expire, Collector may change shape and location of bottom.

Transfer of license must be approved by the Collector.

May compel change of bottom.

Section 8. If a person holding a license which is about to expire, desires the bottom occupied by him, licensed to another person, the Oyster Revenue Collector may compel that the shape and location of such bottom be changed, so far as may be practicable, to comply with Section six of this Act. Any license granted may be transferred by the licensee to any other person, provided the same shall not become effective until approved by the Oyster Revenue Collector; and provided further that the said Oyster Revenue Collector shall have the same authority to compel a change in the shape and location of the bottom as in this section hereinbefore provided.

Additional annual tax.

Section 9. That in addition to the rental for Oyster Bottoms and for tonnage tax now provided for under existing law, on and after the first day of April next there shall be an additional annual tax of one dollar for each and every corner more than four in number of plots of bottom licensed as aforesaid for any one oyster plantation held by one lessee, which said sum shall be paid to the Oyster Revenue Collector; provided that two or more plantations held by one lessee, which are not separated at their nearest point by a distance of two hundred and fifty yards shall be considered as one lot in fixing the tax on corners.

Approved April 13, A. D. 1911.

OF FISH, OYSTERS AND GAME.

CHAPTER 155.

OF FISH, OYSTERS AND GAME.

AN ACT to Repeal Chapter 132, Vol. 23, Laws of Delaware, entitled, "An Act to further protect the Oyster interests of the State by prohibiting the use of Certain Winders in Catching Oysters."

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Section 1. That Chapter 132, Vol. 23, Laws of Delaware, entitled, "An Act to further protect the Oyster Interests of the State by Prohibiting the use of Certain Winders in Catching Oysters," be and the same is hereby repealed.

Chap. 132.  
Vol. 23, re-  
pealed.

Approved March 14, A. D. 1911.

## OF FISH, OYSTERS AND GAME.

## CHAPTER 156.

## OF FISH, OYSTERS AND GAME.

AN ACT to amend Chapter 133, Volume 23, Laws of Delaware, entitled "An Act for the protection of Oysters in Mispillion River," by fixing a time for taking Oysters outside the Mouth of said River.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Chap. 133,  
Vol. 23,  
amended.

Section 1. That Chapter 133, Volume 23, Laws of Delaware, be, and the same is hereby amended, by adding a new Section thereto, as follows:

Unlawful to  
catch be-  
tween first  
day of April  
and the first  
day of Oc-  
tober.

"Section 5. That from and after the approval of this Act it shall be unlawful for any person or persons to take or catch any oysters for any purpose whatsoever from the "mouth of the cut" in the Mispillion River at any time between the first day of April and the first day of October in any year. The "mouth of the cut" shall be considered all that portion of the Bay extending from the mouth of said river into said Bay along the jetty, which has been recently built, to the outer end of said jetty, and running between parallel lines from the mouth of said creek to said outer end of the jetty. The same penalties shall be applicable for violations of this section as are prescribed in Section 3 of Chapter 133, Volume 23, Laws of Delaware."

"Mouth of  
cut" defined.

Penalty.

Approved April 13, A. D. 1911.

OF FISH, OYSTERS AND GAME.

CHAPTER 157.

OF FISH, OYSTERS AND GAME.

AN ACT Fixing the Quantity of Oysters which may be taken from Mispillion River.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :*

Section 1. That from and after the approval of this Act it shall be unlawful for any person to catch in one day for the purpose of sale or otherwise, from the waters of the Mispillion River any quantity of oysters exceeding nine bushels. This Act shall not apply to persons taking oysters for family use, who shall be allowed to take only five bushels as heretofore provided by law.

Unlawful to catch more than nine bushels in one day.

To take only five bushels for family use.

Section 2. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor, and upon conviction thereof in the Court of General Sessions, shall be fined in a sum not exceeding Fifty Dollars, or imprisoned for a term of ten days, or both fined and imprisoned, in the discretion of the Court.

Penalty.

Approved April 13, A. D. 1911.

## OF FISH, OYSTERS AND GAME.

## CHAPTER 158.

## OF FISH, OYSTERS AND GAME.

AN ACT to Amend Chapter 653, Volume 19, Laws of Delaware, entitled "An Act to Repeal all Statutes relating to Planting, propagating, dredging, tonging, or taking oysters from the natural beds or plantations in the Delaware Bay and its tributaries, and to Re-enact the same or parts thereof with amendments," by striking out the provisions relating to ground reserved for Domestic oyster purposes.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Chap. 653,  
Vol. 19,  
amended.

Section 1. That Chapter 653, Volume 19, Laws of Delaware, entitled "An Act to Repeal all Statutes relating to planting, propagating, dredging, tonging, or taking oysters from the natural beds or plantations in the Delaware Bay and its tributaries, and to re-enact the same or parts thereof with amendments," be, and the same is hereby amended by striking out Sections forty-five; forty-six, forty-seven, forty-eight, forty-nine, fifty, fifty-one and fifty-two.

Approved March 14, A. D. 1911.

OF FISH, OYSTERS AND GAME.

CHAPTER 159.

OF FISH, OYSTERS AND GAME.

AN ACT to further Protect the Oysters along the Flats of the Delaware Bay.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Section 1. That from and after the approval of this Act it shall be unlawful for any person or persons to take oysters from any of the flats or rocks along the shores of the Delaware Bay within the jurisdiction of Delaware, beginning at a point at the mouth of Lewes' Ditch and extending therefrom in a straight line to the mouth of Mispillion River, the same to be used for planting purposes.

Unlawful to take oysters from flats or rocks along the Delaware Bay.

Section 2. Any person violating the provisions of this Act, upon conviction in the Court of General Sessions, shall forfeit and pay a fine not exceeding One Hundred Dollars, or be imprisoned for a term not exceeding thirty days, or both fined and imprisoned, in the discretion of the Court.

Fine and imprisonment for violation of act.

Approved March 14, A. D. 1911.



## OF FISH, OYSTERS AND GAME.

## CHAPTER 160.

## OF FISH, OYSTERS AND GAME.

AN ACT requiring persons taking Oysters from the Natural Oyster Beds of this State to rough cull them.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Shall be  
culled as  
soon as  
emptied  
from dredges  
or tongs.

Shells, etc.,  
shall be im-  
mediately  
thrown back.

Shall not  
contain  
more than  
20 per cent.

Fine or im-  
prisonment.

Section 1. That from and after the approval of this Act all oysters, oyster shells and other material, dredged, tonged or in any manner raised or taken from the natural oyster beds of the Delaware Bay within the jurisdiction of the State of Delaware shall be culled as soon as the same are emptied out of the dredges or tongs on the deck of the boat or vessel employed for the purpose, and before the same are shoveled back from that portion of the deck used for emptying the dredges; and all shells and other material, except oysters, shall be immediately thrown back upon the beds or ground from which the same shall have been taken. All such oysters, oyster shells and other material shall be culled as aforesaid so closely that ten bushels thereof taken from any portion of a deck load of oysters, after the same shall have been shoveled back from that part of the deck used for emptying the dredges and tongs aforesaid, shall not contain more than twenty per centum of shells and other material; if any person or persons shall neglect or refuse to cull as aforesaid all such oysters, oyster shells and other material, he or they shall be deemed guilty of a misdemeanor, and upon conviction thereof in the Court of General Sessions, shall be fined in a sum not exceeding Two Hundred Dollars, or imprisoned for a term not exceeding sixty days, or both at the discretion of the Court.

## OF FISH, OYSTERS AND GAME.

Section 2. When the master, commander, captain or person in charge of any boat, vessel or other craft, licensed under the provisions of the laws of this State, is hailed or signaled by the Oyster revenue collector, or the captain of the Guard Boat, or any one of the crew thereof, and refuses to stop and permit the Oyster revenue collector, or the captain or crew of the Guard Boat aforesaid, to board said boat, vessel or other craft and examine the oysters, oyster shells and other material on such boat, vessel or other craft as aforesaid, the said Oyster revenue collector shall have power to revoke the license of the boat, vessel or other craft so refusing as aforesaid.

License may be revoked for failure to stop at command of Oyster Collector.

Section 3. It shall be the duty of the Oyster revenue collector to enforce the provisions of this Act and he shall forthwith furnish the captain of the Guard Boat with a bushel measure and a peck measure which shall be used for carrying into effect the provisions of this Act.

Duty of Oyster Collector.

Section 4. That all Acts or parts of Acts inconsistent herewith, and especially Chapter 131, Volume 23, Laws of Delaware, entitled "An Act requiring persons taking oysters from the natural oyster beds of this State to rough cull them" be and the same are hereby repealed.

Acts inconsistent repealed.

Approved March 14, A. D. 1911.

## OF FISH, OYSTERS AND GAME.

## CHAPTER 161.

## OF FISH, OYSTERS AND GAME.

AN ACT for the further Protection of Oysters in Broadkiln River and Sound.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Unlawful to catch oysters of a certain size.

Section 1. That from and after the passage of this Act it shall be unlawful for any person or persons to take or catch any oysters for any purpose from Broadkiln River or Sound or their tributaries of size less than three and one-half inches in length.

Shall not catch more than seven bushels in one day.

Section 2. It shall be unlawful for any person or persons in any one day to take, catch or carry away in any boat, cart or other Vehicle from Broadkiln River or Sound or their tributaries more than seven bushels of oysters for market or home consumption.

Penalty for violation of act.

One half of fine to informer.

May be imprisoned in default of fine.

Section 3. Any person or persons violating any of the provisions of this Act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined a sum not less than twenty nor more than thirty dollars together with the costs of the prosecution, one-half of said fine to be paid to the informer, the other half to the Collector of Oyster Revenue; in default of payment of said fine, such person or persons shall be imprisoned in the Sussex County Jail at Georgetown not less than twenty nor more than thirty days. Justices of the Peace of Sussex County are hereby given jurisdiction to hear and determine all violations of the provisions of this Act, with power to enforce the same.

OF FISH, OYSTERS AND GAME.

Section 4. This act shall continue in force for a period of two years from the date of its passage. To continue in force two years.

Section 5. All acts or parts of acts inconsistent herewith are hereby repealed.

Approved March 20, A. D. 1911.

## OF FISH, OYSTERS AND GAME.

## CHAPTER 162.

## OF FISH, OYSTERS AND GAME.

AN ACT to establish the Board of Game and Fish Commissioners of the State of Delaware.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

<p>Name of Board.</p>	Section 1. That the Board of Game and Fish Commissioners of the State of Delaware be and the same is hereby established and shall be known and termed as such. Said Board to be appointed by the Governor, and to consist of three commissioners; one from each of the Counties of this State, and not more than two of whom, serving at the same time, shall be from one political party. The three commissioners first appointed under this Act shall be appointed and commissioned for terms of two years, four years and six years respectively, and their successors thereafter shall be appointed and commissioned for terms of six years. Any vacancy on said Board shall be filled by the Governor by appointment and commission for the unexpired term in which the vacancy occurs. The members of said Board are to receive one hundred and fifty dollars a year for their services on said Board, also their expenses incurred in attending to their duties on said Board, said salaries, and all expenditures to be made by said Board to be payable only out of funds received by them from the sale of hunting and fishing licenses and from fines imposed for violations of the game and fish laws of this State.
<p>Appointed by the Governor. One from each county. Not more than two from same political party. How they shall be appointed.</p>	
<p>Vacancy to be filled by the Governor.</p>	
<p>Compensation of members of Board.</p>	
<p>Salaries and expenditures payable out of funds received.</p>	

<p>Shall give bond.</p>	Section 2. That each member of said Board, before entering upon the duties of his office, shall give bond in the sum of Five thousand dollars to the State of Delaware with two or more personal sureties or one surety company, in either case the surety to be approved by the Secretary of State.
<p>Amount of bond.</p>	
<p>Approved by the Secretary of State.</p>	

## OF FISH, OYSTERS AND GAME.

State. Conditioned that he will well and truly account for and apply all moneys which may come into his hands by virtue of his office, and that he will fully and faithfully perform the duties of his office, and he shall further take and subscribe the oath or affirmation required by the Constitution of this State, and be commissioned by the Governor.

Condition of bond.

Oath or affirmation.

Commissioned by the Governor.

Section 3. That said Board shall have an official seal to authenticate all licenses, papers and documents issued by it in its official capacity and shall have the management of all matters pertaining to game and fish protection and shall receive all funds arising from the sale of hunting and fishing licenses and from fines imposed for violations of the game and fish laws of this State, except those which heretofore have belonged to the Audubon Society, and shall have control thereof and full discretion in the expenditure of the same in the purchase of supplies, printing and publishing game and fish laws, employment of wardens, salaries of officers, restocking the State with game and fish, protecting and preserving the same, the enforcement of the game and fish laws of this State, and in the name of the State to lease or purchase land for game propagation.

Official seal.

Shall have full management.

Shall receive all funds, except those belonging to the Audubon Society.

Shall have full discretion in the expenditure of funds.

Section 4. That all accounts and books kept by the said Board shall be open at all times for inspection of all of the members thereof and on the Thirty-first day of December, A. D. 1912, and every two years thereafter, the said Board shall make a full and complete report of the official business transacted by it. Such report shall show the number and character of licenses issued together with all fees and fines collected and all moneys received from other sources; shall show the number of wardens employed, and give all necessary information concerning the affairs of the said Board. Such report to be published in pamphlet form.

Books to be open for inspection.

Shall make report.

What the report shall show.

Section 5. That said Board shall prescribe the form of hunting and fishing licenses.

Form of license.

Section 6. That the members of said Board shall have authority to arrest without warrant for all violations of the

Authority to arrest without warrant.

## OF FISH, OYSTERS AND GAME.

To appoint  
game  
wardens.

Wardens to  
give bond.

Ex-officio  
game  
wardens.

May be per-  
mitted to  
collect  
birds, eggs,  
etc., for  
scientific  
purposes.

How certifi-  
cates may  
be obtained.

Must pay  
one dollar.

Must give  
bond.

Bond may  
become void.

May issue  
permits.

Person hold-  
ing a license  
may arrest  
violate.

game and fish laws of this State and to carry out the provisions thereof, and to appoint game wardens who shall have like power and be subject to and serve during the pleasure of said Board. Said wardens to give such bond for the faithful performance of their duty as may be required by said Board.

Section 7. That all sheriffs, deputy-sheriffs, marshals, constables and policemen, or other peace officers of this State are ex-officio deputy game wardens.

Section 8. That certificates may be granted by the said Board to any properly accredited person of the age of fifteen years or upwards, permitting the holder thereof to collect birds, their nests or eggs, for strictly scientific purposes. In order to obtain such certificates the applicant for the same must present to the said Board written testimonials from two well known scientific men certifying to the good character and fitness of the said applicant to be entrusted with such privilege; must pay to said Board one dollar to defray the necessary expenses attending the granting of such certificates; and must file with said Board a properly executed bond in the sum of two hundred dollars, signed by two responsible citizens of the State, as sureties. This bond shall be forfeited to the State and the certificate become void upon proof that the holder of such certificate has killed any bird or taken the nest or eggs of any bird for other than strictly scientific purposes.

Section 9. That the said Board, upon the payment of one dollar, may issue permits to any person to take, capture, or transport not more than ten pairs of any one species of game, birds, or fish within this State, when satisfied that such person applying for said permit desires the same exclusively for scientific or propagating purposes.

Section 10. That any person holding a license for hunting or fishing, as prescribed by law, is hereby authorized to arrest, without warrant, violators of the Game and Fish Laws of this State.

## OF FISH, OYSTERS AND GAME.

Section 11. That any freeholder or leaseholder or member of his family or any person in his employ is hereby authorized to arrest, without warrant, any person or persons who shall, upon his freehold or leasehold, commit any violation of this Act or any violation of the Game and Fish Laws of this State.

Freeholder,  
leaseholder,  
et al. may  
arrest violator.

Section 12. That every person, other than regularly salaried game wardens and peace officers, who shall arrest or secure the arrest of any violator of the game and fish laws of Delaware shall receive one-half of all fines imposed and collected for the violation of the law for which he makes or secures the arrest.

Shall receive  
one half of  
all fines.

Section 13. That said Board shall have power and is hereby directed to confiscate all game and fish unlawfully taken or had in possession and dispose of the same by destroying it or distributing it among charitable institutions.

Power to  
confiscate  
game and  
fish.

Section 14. The said Board shall have full authority to regulate its organization proceedings and times and places of meeting.

Board to  
regulate its  
proceedings.

Section 15. That all Acts or parts of Acts in so far as the same are inconsistent with the provisions hereof be and the same are hereby repealed.

Approved April 27, A. D. 1911.



## OF FISH, OYSTERS AND GAME.

## CHAPTER 163.

## OF FISH, OYSTERS AND GAME.

AN ACT to Authorize the Treasurer of the Delaware Game Protective Association to pay over and transfer the funds and Property of said Association to the Board of Game and Fish Commissioners of the State of Delaware.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Directed to  
pay over  
and transfer  
all funds  
and prop-  
erty.

Section 1. That the Treasurer of The Delaware Game Protective Association be and he is hereby authorized and directed to pay over and transfer all funds and property of said Association to the Board of Game and Fish Commissioners of the State of Delaware.

Approved April 27, A. D. 1911.

OF FISH, OYSTERS AND GAME.

CHAPTER 164.

OF FISH, OYSTERS AND GAME.

AN ACT providing for the enforcement of the Game and Fish Laws of Delaware.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Section 1. That it shall be unlawful to knowingly have in possession any game birds, animals or fish which have been unlawfully killed or taken, except when confiscated by the Board of Game and Fish Commissioners and are in the possession of said Board or are in the possession of those to whom said Board has given them.

Shall not have in possession, except when confiscated by Board.

Section 2. That any person required by Law to take out a license to hunt or fish who shall hunt or fish without first obtaining a license therefor, or any unnaturalized foreigner who shall carry a gun or have any fire-arm in his possession without holding the prescribed hunting license shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be punished with a fine of not less than ten dollars nor more than fifty dollars and costs for each offense, and for every offense against this Section by a non-resident the fine shall be not less than fifty dollars.

Shall first obtain license.

Unnaturalized foreigner.

Penalty for violation.

Section 3. That each holder of a hunting or fishing license shall always have said license in his possession while hunting or fishing, and shall exhibit said license upon request of any person empowered to arrest for violation of the Game and Fish Laws of this State.

Shall always have license in possession, and shall exhibit upon request.

Section 4. That any person, persons or corporation who shall bring on an excursion boat excursionists into this State to fish without first having taken out the license prescribed by Law shall be deemed guilty of a misdemeanor, and, upon

Shall not bring excursionists into the State to fish without license.

## OF FISH, OYSTERS AND GAME.

Penalty. conviction thereof, shall be punished with a fine of one Hundred dollars and costs for each offense.

Non-residents not to have birds, fish, etc., in possession without a license.

Section 5. That it shall be unlawful for any non-resident to have any birds, animals or fish protected by the Laws of this State in his possession who does not hold a hunting or fishing license, for game and fish respectively, for the time during which he has such birds, animals or fish in his possession unless such birds, animals or fish have been killed or caught out of the State. Any person violating the provisions of this Section shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be punished with a fine of not less than ten dollars nor more than fifty dollars and costs for each offense.

Penalty.

Shall not alter, or use license of another, or permit license to be used by another.

Section 6. That any person who shall forge or alter a hunting or fishing license, or use the license of another, or shall permit his license to be used by another, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall forfeit his license and be fined not less than ten dollars nor more than fifty dollars and costs for each offense, and in addition thereto for altering a hunting or fishing license in any way shall be deemed guilty of forgery and punished accordingly.

Penalty.

Quantity that may be carried or shipped.

Section 7. That any person who holds a hunting license may carry with him, or ship within or out of the State in any one week not more than fifty reed birds, fifty rail birds, not more than one dozen birds or fowl of any other species and six animals in all; provided that such game so carried or shipped shall be carried or shipped openly so it may be easily inspected and counted, and provided such person shall first make affidavit, before some person duly authorized to administer oaths, that the said birds or animals have been lawfully killed by the affiant, and are not to be shipped or carried for purposes of sale or profit, and giving, if the same are to be shipped, the name and post-office address of the person to whom to be shipped and the number and kind of the game to be shipped. Two copies of such affidavit, each

Shall be carried or shipped openly.

Shall make affidavit.

Not to be shipped for sale or profit.

Name and address of person to whom shipped.

## OF FISH, OYSTERS AND GAME.

endorsed "A true copy of the original," by the person administering the oath, shall be furnished by him to the affiant, who shall deliver one of the said copies to the railway agent or common carrier receiving said game for transportation, the said copy to operate as a release to such a carrier or agent from any liability in the shipment of the same, and shall keep the other copy for his own protection. The original affidavit shall be retained by the officer administering the oath, and shall be used as evidence in any prosecution for violation of any of the provisions of this Act or the game law of this State, provided that the numbers and affidavit required by this Section shall not apply to ducks, snipe and plover when shipped openly by a resident of this State, who has lawfully killed the same. Any person violating any of the provisions of this Section shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be punished with a fine of not less than ten dollars nor more than fifty dollars and costs for each offense and in addition for swearing falsely to any material fact in said affidavit shall be deemed guilty of perjury and punished accordingly.

Two copies of affidavit shall be furnished.

Original affidavit to be retained by officer administering oath.

Not to apply to ducks, snipe and plover.

Penalty for violation of Section.

Section 8. That any person, company, corporation, or common carrier, required by Law to comply with the requirements of Section seven of this Act, who as carrier shall ship or transport or attempt to ship or transport any game birds or animals without complying with the requirements of said seventh Section of this Act shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be punished with a fine of not less than fifty dollars nor more than one hundred dollars and costs for each offense.

Company or common carrier shall not transport without complying with law.

Penalty upon conviction.

Section 9. That nothing in this Act shall be construed to prohibit or prevent any resident gunning for his own sport and amusement in this state, from taking, carrying or shipping by railroad, water, or otherwise within the borders of this State, any of the birds or animals protected by the laws of this State, provided the same have been lawfully killed or taken and do not exceed the numbers prescribed in

Not to apply to resident gunners, if Section Seven be complied with.

## OF FISH, OYSTERS AND GAME.

the seventh Section of this Act, and are carried or shipped openly as required by said seventh Section of this Act, and are not carried or shipped for purposes of profit or sale except as is expressly permitted by the Laws of this State.

Warrant of arrest for violations in case of a corporation may be read to whom.

Upon return of warrant.

Penalty where any official, officer or warden fails to perform his duty.

Shall report amount of fine, etc., to Board.

Two or more offenses may be charged in same complaint or indictment.

Section 10. That in cases of violations of the Game and Fish Laws of Delaware by a corporation, the warrant of arrest may be read to the President, Secretary, or manager in this State, or to any general or local agent thereof in any county where the action or indictment is pending, and upon return of such warrant so served, the corporation shall be deemed in Court and subject to the jurisdiction thereof, and any fine imposed may be collected by execution against the property of said corporation, but this Section shall not be considered to exempt an agent or employe from prosecution.

Section 11. That any official, officer, or warden who shall fail to perform any act, duty or obligation enjoined upon him by the provisions of the Game and Fish Laws of this State, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be punished with a fine of not less than fifty dollars nor more than one hundred dollars and costs for each offense.

Section 12. That every court or clerk of any court, before whom any prosecution, under the Game and Fish Laws of this State, is commenced or shall go on appeal, and within twenty days after trial or dismissal thereof, shall report in writing the result thereof and the amount of fine collected, if any, and the disposition thereof to the Board of Game and Fish Commissioners.

Section 13. That two or more offenses may be charged in the same affidavit, complaint, or indictment, and proof as to a part of a bird, animal or fish shall be sufficient to sustain a charge to the whole of it; and the violation of the game and fish laws of this State as to a number of animals,

## OF FISH, OYSTERS AND GAME.

birds, or fish may be charged in the same count, and punished as a separate offense as to each animal, bird \*of fish.

Section 14. That when an arrest for a violation of the Game and Fish Law is made by any Game Warden and the defendant is convicted, there shall be taxed as costs in favor of such warden making the arrest the same fee as a constable is entitled to in misdemeanor causes, and if collected from the defendant, shall be paid over to such warden and shall be his personal perquisite. No fee shall be allowed in cases of acquittal.

Game Warden shall be entitled to same fee as a constable.

Section 15. That all moneys collected from fines, penalties, or forfeitures under the Game and Fish Laws of this State shall be paid as prescribed by law, that is, all fines imposed for the killing of non-game or song birds to the Audubon Society, with the exception of that part, which under the Law, belongs to the informer and shall be paid over by the officer authorized to collect said money as prescribed by Law.

How money collected from fines, penalties, etc., shall be paid.

Section 16. That any person convicted of having violated any of the provisions of this Act for which the penalty is not specifically prescribed shall be fined not less than five dollars nor more than twenty-five dollars and costs for each offense, and failing to pay forthwith any fine imposed under the provisions of this Act together with the costs of prosecution, unless an appeal be taken, such person shall be committed to the County Jail or Workhouse of the county in which such offense was committed for thirty days unless said fine and costs be sooner paid.

Shall be fined not less than \$5, nor more than \$25.

Penalty for failure to pay fine.

Section 17. That all Acts or parts of Acts in so far as the same are inconsistent with the provisions hereof be and the same are hereby repealed.

Approved April 27, A. D. 1911.

\*So enrolled.

## OF FISH, OYSTERS AND GAME.

## CHAPTER 165.

## OF FISH, OYSTERS AND GAME.

AN ACT for the protection and preservation of Birds and certain animals.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Shall not  
catch, kill,  
have in pos-  
session, pur-  
chase or sell  
any bird.

Section 1. That from and after the passage of this Act it shall be unlawful to catch, kill, have in possession (living or dead), purchase, sell, or expose for sale, transport, or ship any wild bird, other than a game bird, or any part of the plumage, skin, or body of any such bird.

What shall  
be consid-  
ered game  
birds.

Section 2. That the following only shall be considered game birds: The Anatidae, commonly known as geese, brant and river and sea ducks; the Rallidae, commonly known as rails, coots, mud-hens and gallinules; the Limicolae, commonly known as shore birds, plovers, surf birds, snipe, woodcock, sandpipers, tattlers and curlews; the Gallinae, commonly known as wild turkeys, grouse, prairie chickens, pheasants, partridges and quail; also the reed bird of the Icteridae and the dove.

Open seasons  
on certain  
birds and  
animals.

Section 3. That the open seasons on the following birds and animals shall respectively be as follows:

Quail (bob-white partridges) from November 15th to December 31st, next following; partridge from November 15th to December 31st, next following; pheasant from November 15th to December 31st, next following; reed bird from September 1st to November 1st, next following; rail bird from September 1st to November 1st, next following; wild goose from October 1st to April 1st, next following; brant from October 1st to April 1st, next following; summer duck from September 1st to October 31st, next following; other wild duck from October 1st to April 15th, next follow-

## OF FISH, OYSTERS AND GAME.

ing; woodcock from July 1st to September 1st, next following and from November 15th to December 31st, next following in each and every year; dove in Kent and Sussex Counties from August 1st to December 31st, next following; hare and rabbit from November 15th to December 31st, next following; muskrat, skunk, mink and otter from November 20th to March 15th, next following; fox from October 1st to April 30th, next following; raccoon from October 1st to February 15th, next following; opossum from October 1st to February 15th, next following; fox squirrel, black squirrel and gray squirrel from September 15th to December 31st, next following; frog from November 1st to July 1st, next following. The above open seasons shall include the days defining them. Provided, however, that any person may protect his property and premises from the ravages and depredations of any wild birds or animals protected by law, at any time and in any way.

Section 4. That the English or European house sparrow, the redwing blackbird, and the purple grackle, sometimes known as the crow blackbird, are not included among the birds protected by this Act; and may be killed and sold without limit.

What birds are not included.

Section 5. That it shall be unlawful, at any time, to make use of any pitfall, deadfall, scaffold, cage, snare, trap, net, pen, baited hook, or baited field or any other similar device, or any drug, poison, chemicals, or explosives for the purpose of injuring, capturing, or killing birds or animals protected by the laws of this State, except muskrats, skunks, minks and otters, and except as otherwise expressly provided.

Shall not use any device in capturing or killing birds or animals, except muskrats, minks, etc.

Section 6. That it shall be unlawful to needlessly destroy, break or interfere with any nest, den or lair of any bird or animal protected by the Laws of this State, except as expressly permitted.

Shall not destroy nest or lair of any bird or animal.



## OF FISH, OYSTERS AND GAME.

Shall not  
catch or kill  
certain birds  
and animals  
between one  
hour after  
sunset and  
one hour be-  
fore sunrise.

Section 7. That it shall be unlawful to pursue, catch, take, or kill any birds or animals protected by the laws of this State, except frogs, muskrats, raccoons, opossums, skunks, minks and otters between one hour after sunset of one day and one hour before sunrise of the following day.

Unlawful to  
shoot at, or  
kill with  
any device.

Section 8. That it shall be unlawful to shoot at or kill any birds or animals protected by the laws of this State with any device, swivel or punt gun, or with any gun other than such as is habitually raised at arm's length and fired from the shoulder, or to pursue or kill the same, except frogs, raccoons, opossums, skunks, minks and otters, with the aid of any artificial light or lantern, or to hunt with dog or dogs wearing bell or bells or other noise-producing device. Any having such gun or lantern in one's possession while hunting, or having dog or dogs wearing bell or bells or other noise-producing device in one's possession while hunting shall be prima facie evidence of an offense against this Section.

Artificial  
light or lan-  
tern.

Dogs wear-  
ing bells.

Having such  
in posses-  
sion while  
hunting,  
prima facie  
evidence.

Shall not  
hunt pro-  
tected birds  
or animals  
while ground  
is covered  
with snow.

Section 9. That it shall be unlawful to hunt, kill, take or destroy any birds or animals protected by the laws of this state, except muskrats, skunks, minks and otters, while the ground is covered with snow.

Shall not  
hunt on  
Sunday.

Section 10. That it shall be unlawful on the first day of the week, commonly called Sunday, to hunt or pursue with any kind of firearms, dog or dogs, any birds or animals whatsoever.

Unlawful to  
kill beyond a  
certain  
number in  
any one day.

Section 11. That it shall be unlawful for any person to take or kill more than seventy-five rail birds, twenty ducks or twelve birds or fowl of any other species, and six animals, protected by the provisions of this Act, excepting snipe, plover and feed birds, in any one day, or to have such birds, fowl, or animals in possession for more than five days after the close of the season for killing the same.

## OF FISH, OYSTERS AND GAME.

Section 12. That it shall be unlawful to shoot at, kill or destroy any fox while such fox is being chased or pursued by dog or dogs.

May not shoot at or kill any fox while being chased.

Section 13. That it shall be unlawful to hunt, take, kill or destroy any rabbit or hare with ferret or ferrets, or to have ferret or ferrets in possession while hunting.

Shall use or hunt with ferrets.

Section 14. That it shall be unlawful to take, kill or capture by any means whatever any muskrat or muskrats during the time of any flood or freshet when such flood or freshet may cause any muskrat or muskrats to leave their usual and accustomed places of shelter and protection.

Shall not take or kill any muskrat during flood or freshet.

Section 15. That it shall be unlawful for any person, firm or corporation, at any time of the year, to barter, sell, offer for sale, or buy for purposes of profit or sale any of the birds or animals protected by the Laws of this State, excepting always the muskrat trade during the season when it is lawful to have muskrats in possession, and trading at any and all times in muskrat, and other skins which have been lawfully taken, and except as expressly permitted hereinafter, either under the name used in this Act, or under any other name or guise whatsoever, whether lawfully or unlawfully taken; provided that nothing in this section shall be construed to prohibit any person, who has lawfully killed or caught any birds or animals protected by the Laws of this State, from selling the same within the limits of the county where such person shall reside, and provided that residents of this State who have lawfully killed ducks, snipe and plover may sell the same within or without the State; and provided further that nothing in this Act shall be construed to prohibit any restaurant keeper in this State from buying birds or animals protected by the Laws of this State from the person who has lawfully killed or caught the same and selling the same cooked and prepared for eating to his patrons during the season when it is lawful to have such game in one's possession.

Shall not sell or offer for sale.

Shall not prohibit from selling within limits of the county.

May sell within or without the State.

Restaurant keepers.

## OF FISH, OYSTERS AND GAME.

Fine for vio-  
lating pro-  
vision of act.

Penalty for  
failure to  
pay fine.

Section 16. That any person convicted of having violated any of the provisions of this Act for which the penalty is not specifically prescribed shall be fined not less than five dollars nor more than twenty-five dollars and costs for each offense, and failing to pay forthwith any fine imposed under the provisions of this Act together with the costs of prosecution, unless an appeal be taken, such person shall be committed to the County Jail or Work house of the County in which such offense was committed for thirty days unless said fine and costs be sooner paid.

Section 17. That all Acts or parts of Acts in so far as the same are inconsistent with the provisions hereof be and the same are hereby repealed.

Approved April 27, A. D. 1911.

## OF FISH, OYSTERS AND GAME.

## CHAPTER 166.

## OF FISH, OYSTERS AND GAME.

## AN ACT for the Protection of Foxes.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :*

Section 1. That from and after the approval of this Act it shall be unlawful to sell, or expose for sale, any fox or any fox hide in this State, and it shall be unlawful to ship by freight or express, or otherwise, or to take any fox, or any fox hide, from any place within said State to any place outside of this State. Any person or persons violating the provisions of Section 1 of this Act shall be deemed guilty of a misdemeanor, and upon conviction thereof in the Court of General Sessions, shall be fined in a sum not exceeding Fifty Dollars, or imprisoned for a term not exceeding ten days, in the discretion of the Court. One-half of all fines collected under the provisions of this Act shall go to the informer.

Unlawful to  
sell or ship  
any fox, or  
fox hide.

Penalty for  
violation of  
Section.

Section 2. That from and after the approval of this Act it shall be unlawful for any person to dig out or in any manner to take from any den a female fox, or her young whelps, or kill or in any manner cause the death of such female fox, or her young whelps, during the period of time in which she is suckling them. Any person or persons violating the provisions of this Section shall be guilty of a misdemeanor, and upon conviction thereof in the Court of General Sessions, shall be fined not less than Ten Dollars, nor more than Fifty Dollars, or imprisoned for a term not exceeding ten days, for every female fox or whelp so dug or taken out of any den, or killed or caused to be killed. One-half of all fines collected under this Act shall go to the informer.

Unlawful to  
dig out, or  
kill female  
fox, or her  
young when  
suckling  
them.

Penalty for  
violation of  
Section.

One half of  
fine to in-  
former.

## OF FISH, OYSTERS AND GAME.

Not to prohibit killing while in pursuit or for carrying away poultry.

Section 3. Nothing in this Act shall be so construed as to prevent the killing of foxes at any time by any person while they are in pursuit, or in the act of killing or carrying away his, her, or their poultry, and provided further, that such persons may be permitted to kill such fox or foxes within a reasonable time after the pursuit, killing or carrying away of said poultry.

Approved March 24, A. D. 1911.

OF FISH, OYSTERS AND GAME.

CHAPTER 167.

OF FISH, OYSTERS AND GAME.

AN ACT to amend Section 1 of Chapter 137, Volume 23, Laws of Delaware, entitled "An Act for the Protection and Preservation of Squirrels."

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Section 1. That Section 1 of Chapter 137, Volume 23, Laws of Delaware, entitled "An Act for the Protection and Preservation of Squirrels," be and the same is hereby, amended by striking out of said Section 1 of said act the word "November" where it occurs in the sixth line of said section, and inserting in lieu thereof the word "September."

Sec. 1, Chap.  
137, Vol. 23,  
amended.

Word "Sep-  
tember" in-  
serted.

Approved March 2, A. D. 1911.

## OF DITCHES.

## CHAPTER 168.

## OF DITCHES.

AN ACT concerning the drainage of swamps and low lands, empowering the managers of any canal, ditch or drain operating under the provisions or by authority of any Act of the General Assembly, or under the authority of an order of the Superior Court of the State of Delaware, to purchase, or construct, maintain and operate, a dredge and other instrumentalities for the purposes and uses of such companies and ditches.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Taxables by a majority vote may impose certain duties upon managers.

Section 1. That the taxables of every canal, ditch or drain, whether organized under a special Act of the General Assembly, or under the general corporation laws, or under the authority of an order of the Superior Court of the State of Delaware, at any stated meeting, or at any meeting called upon like notice as prescribed for calling the stated meetings, may, by a vote of the majority of the taxables present and voting, authorize, empower and direct the managers to purchase, or construct, maintain and operate a barge, or dredge, with power equipment, instruments, machinery, engines and apparatus adapted to making, constructing, cutting, dredging, deepening, widening, straightening, repairing or cleansing said canal, ditch or drain.

Who shall vote at meetings.

That at all meetings the taxables present, both male and female, shall be entitled to vote either in person or by proxy, duly executed under the hands and seal, and attested by two witnesses, in proportion as each is liable to contribute, that is to say: each taxable shall be entitled to one vote for every dollar of tax paid by him or her.

Duty of the managers.

Section 2. That it shall be the duty of the managers aforesaid, after the taxables at such meeting shall so authorize, empower and direct, to purchase, or construct, maintain

OF DITCHES.

and operate, a barge, or dredge, with power equipment, instruments, machinery, engines and apparatus aforesaid and use the same in the making, constructing, cutting, dredging, deepening, widening, straightening, repairing and cleansing said canal, ditch or drain.

Section 3. That a special assessment of the taxables to raise the funds necessary to carry into effect the provisions of this Act, shall be made by the managers in the same manner as provided by law for raising a ditch tax. <sup>Special assessment.</sup>

Approved March 16, A. D. 1911.



## OF ROADS AND BRIDGES.

## CHAPTER 169.

## OF ROADS AND BRIDGES.

## AN ACT Concerning Public Roads and Bridges.

*Be it enacted by the Senate and House of Representatives in General Assembly met:*

Resident As-  
sociate Judge  
to have  
jurisdiction.

Section 1. The Resident Associate Judge of this State within each county shall have jurisdiction to lay out public roads and bridges and to widen, change or vacate the same.

Owners shall  
be first paid  
or tendered  
damages.

Section 2. Before any property, ground, sand, earth, gravel, stone or other road materials shall be taken or occupied for the purpose of extending, widening, changing, vacating, straightening, laying out or opening, building, improving or repairing any public road or bridge under the provisions of this act, the owner or owners of such property, ground or material shall be paid or tendered such damages as they shall respectively be entitled to receive, which damages shall be assessed as follows, viz:

Five or more  
freeholders,  
or President  
of Levy  
Court may  
apply.

Notice.

If owner be  
unknown or  
out of the  
State.

Shall ap-  
point five  
freeholders.

First: Five or more freeholders of the county or the President of the Levy Court of the County upon resolution of said Court may apply to the Resident Judge of the County where the property, ground or road materials desired to be taken are located, first giving all parties in interest or their legal representatives at least five days' notice in writing of the intended application if they be within the State and under no legal disability to receive the same; and if any owner or party in interest be unknown or without the State or under legal disability to receive such notice, and having no legal representatives within the State, then such notice shall be published in some newspaper of the county in which such property, ground or material proposed to be taken is located at least five days previous to the intended application and the Resident Associate Judge shall appoint five judicious and

## OF ROADS AND BRIDGES.

impartial freeholders of the County to view the premises and material and make return on a day fixed by such Resident Associate Judge, authorizing the freeholders so appointed to employ if necessary a surveyor, and directing them, First, in an order on a petition for a new public road or bridge that if they judge such road or bridge necessary they shall lay it out in the best way, having respect to the nature of the ground, the distance and other circumstances of public or private convenience or detriment, and shall make a map of such road showing its courses and distances, the woodland and cleared land through which it passes and other proper notes, and shall compute the cost of opening and making such road and of making the bridges and causeway therein separately, and shall make said map and computation of costs and also their determination that such road is needed for public convenience, part of their return.

Duties of the freeholders.

Second: In an order made on a petition for changing the course or width of a public road, the direction shall be, that if they judge the changes asked for or any change of like effect proper, then they shall lay out such road as will produce such change in the best way, having respect as aforesaid; and shall make a map as aforesaid showing the change, and shall determine what part of the old road shall be vacated on opening the new, and who shall enclose the same, all of which shall be set out in the return.

Changing the course or width of a public road.

Third: In an order made out on a petition for vacating a public road or any part thereof, the direction shall be that if they judge such public road or any part of it to be unnecessary, and that it ought to be vacated, they shall determine who shall enclose the same or any part thereof, and what portion of the costs such persons ought to pay respectively, all of which shall be set out in the return.

Vacating a public road, or any part thereof.

Fourth: In an order made out on a petition for taking any sand, earth, gravel, stone or other material to be used in building or repairing a public road or bridge, the direction shall be that if they judge such material necessary for the

Taking sand, earth, gravel, stone, etc., to be used in building or repairing road or bridge.

## OF ROADS AND BRIDGES.

building of such road or bridge, they shall describe the ground from which said material may be taken, and shall determine the terms upon which and the time within which such material may be taken.

Shall assess  
the dam-  
ages.

Fifth: In all cases they shall assess the damages which the owner or owners or other parties in interest will sustain by reason of such road or bridge, or the use of such road material, considering all circumstances of benefit or injury, which may accrue to such owner or other party in interest therefrom.

Temporary  
right of way.

Sixth: In an order made out on a petition for a temporary right of way to be used in conjunction with building a public road or bridge, the direction shall be that if they judge such right of way necessary, they shall lay out the same, and shall make a map as aforesaid, showing such right of way, and shall determine the terms upon which said right of way shall be used, and the time and conditions within and upon which it shall be returned to the owner thereof.

Freeholders  
to be sworn.

Return made  
to Associate  
Judge.

The freeholders named in such commission shall be first sworn or affirmed as in said commission shall be directed, and the return of such commissioners shall be made to the said Resident Associate Judge who shall file the same in the office of the Clerk of the Peace.

Commission  
of review.

Section 3. The return upon one commission shall not be conclusive, but upon application by any party in interest or by President of the Levy Court of the County upon resolution of said Court within fifteen days after the filing of such return, the Judge shall issue a commission of review appointing five other freeholders as aforesaid with like instructions as were contained in the first commission, provided that if a review be granted upon the application of a person or persons interested, the review shall extend only to the assessment of damages made in respect to the person or persons making such application. If the return to a commission of review varies in the damages assessed from the return to the original commission, the Judge shall grant a sec-

Review shall  
extend only  
to assess-  
ment of dam-  
ages.

## OF ROADS AND BRIDGES.

and commission of review upon the application of the President of the Levy Court of the county upon resolution of said Court, or of any person interested in the return to the commission of review within ten days after the filing of such return. If a review be not applied for in due time, the return to the original commission shall be conclusive as to the amount of damages. If the return to any two commissions correspond as to the amount of damages, such amount shall be conclusive, but if there be more than one return and none conclusive under the foregoing provisions, the Judge shall confirm such one of them as he shall deem most just, and the return so confirmed be conclusive.

Second Commission of review.

Original Commission.

Judge may confirm one deemed most just.

The Judge may set aside a return to a commission for gross inequality or inequity, in which case he shall issue another commission in its place, and the Judge shall have power to fill any vacancy in a commission. There shall be allowed to the Commissioners for their services Three Dollars (\$3.00) per day.

Judge may set aside a return.

Section 4. The amount of damages being so ascertained, the Levy Court of the County, the duly authorized officers of the State or any person interested may pay or tender the same to the person or persons entitled thereto within two calendar months after the same shall have been finally ascertained, or if the person or persons so entitled reside out of or are absent from the county during all or any part of said period of two months, then the same may be deposited to his or her credit in the Farmers Bank of Delaware, at the county seat of the county wherein such proceedings are instituted within said time, and thereupon the said property, ground or material may be taken or occupied for the use aforesaid.

Levy Court may pay or tender amount of damages.

May be deposited in the Farmers' Bank.

Section 5. Whenever damages shall have been assessed to any owner or owners of property for the extending, widening, changing, vacating, straightening or laying out or opening, building, improving or repairing of any public road or bridge or for any road material and the Levy Court of

When Levy Court, or other officer, shall omit, or neglect to pay or tender the amount of damages.

## OF ROADS AND BRIDGES.

the County, duly authorized officers of the State or persons interested shall omit or neglect to pay or tender the amount of certain damages to the person or persons entitled to the same, or to deposit the same in the manner and within the time herein provided for such payment or tender or deposit, no further application or proceeding shall be made or had for the extending, widening, changing, vacating, straightening, laying out or opening of said public road or bridge through or upon the same land or premises for which said damages were assessed until after the expiration of two years from and after the said assessment.

May take any turnpike road and convert into a public road.

Section 6. Whenever the Levy Court of the county, duly authorized officers of the State or five or more freeholders of the County shall deem it necessary to take any turnpike road within the limits of the county for the purpose of converting the same into a public road, the same may be done under the provisions of this Act, and the methods of procedure in such case shall be made as near as may be convenient to laying out a new public road.

Sections 5, 6, 7, 8 and 9, of Revised Code repealed.

Section 7. That Sections 5, 6, 7, 8, and 9 of Chapter 60 of the Revised Code of the State of Delaware, be and the same are hereby repealed.

Section 8. That all acts or parts of acts inconsistent with this act be and the same are hereby repealed.

Approved March 7, A. D. 1911.

## OF ROADS AND BRIDGES.

## CHAPTER 170.

## OF ROADS AND BRIDGES.

AN ACT Providing for the Free and Unrestricted Use of the Public Highways of this State, by Vehicles Owned or Controlled by Citizens or Residents of Foreign Nations, and the Drivers and Operators Thereof.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :*

Section I. That the term "vehicle" as used in this Act, shall include automobiles, motor cycles, horse-drawn vehicles, carriages, and all other means of conveyance, except such as run only upon rails or tracks.

What the term "vehicle" shall include.

Section II. That vehicles owned or controlled by non-residents of this State, who are residents or citizens of foreign nations, and the drivers and operators thereof, shall be accorded the free use of the highways of this State without restriction by way of license or registration, and without the imposition of any tax or fee; provided, however, that such residents or citizens of foreign nations shall secure a special license for the purpose, which shall cover the vehicle and the drivers and operators thereof; such special license shall be issued as hereinafter provided without fee, to expire on December 31 in each year, upon written application duly made, which shall state the name and residence of the owner of the vehicle, the maker's name and a general description thereof, and, if an automobile, the horse-power thereof, and the license and identification number issued by the foreign nation in which the applicant resides. Such special license shall be issued by the Secretary of State upon the recommendation of the American Automobile Association, and the Secretary of State may designate the American Automobile Association as his agent and special deputy to issue such licenses and to which application for the issuance thereof may be made;

Free use of highways to citizens of foreign nations.

Shall secure a special license.

To be issued by the Secretary of State.

## OF ROADS AND BRIDGES.

Shall apply  
only where  
similar  
privileges  
are accorded  
to residents  
of the  
United  
States.

provided, further, that this Act shall not apply to vehicles owned or controlled by residents or citizens of foreign nations, and drivers and operators thereof, when such foreign nations do not extend similar privileges to the residents of the United States of America.

Section III. That all acts and parts of acts, contrary hereto and inconsistent herewith, be, and the same hereby are repealed.

Approved March 7, A. D. 1911.

OF ROADS AND BRIDGES.

CHAPTER 171.

OF ROADS AND BRIDGES.

AN ACT to amend Chapter 156, Volume 24, Laws of Delaware, entitled, "An Act to provide a system for the repair and improvement of the Public Roads, Bridges and Causeways in New Castle County, for the collection of Hundred Road Taxes heretofore assessed and levied, and to repeal all Acts inconsistent therewith."

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Section 1. That Chapter 156, Volume 24, Laws of Delaware, entitled, "An Act to provide a system for the repair and improvement of the Public Roads, Bridges and Causeways in New Castle County, for the collection of Hundred Road taxes heretofore assessed and levied, and to repeal all Acts inconsistent therewith," be and the same is hereby amended by inserting after the word "person" and before the word "who" in the third line of Section 3 the words, "who shall be a civil engineer and."

Chap. 156,  
Vol. 24,  
amended.

Approved March 16, A. D. 1911.



## OF ROADS AND BRIDGES.

## CHAPTER 172.

## OF ROADS AND BRIDGES.

AN ACT to provide for the condemnation of lands for the purpose of shortening the water course of Little River.

Preamble. Whereas, it is contemplated to shorten the course of Little River by the construction of a canal or canals, forming a continuation of the said Little River across certain marsh lands situated in Little Creek Hundred, in Kent County and the State of Delaware, and which said canal or canals when completed are intended to be devoted to public use as a free inland water way or water ways;

Preamble. And Whereas, the route of such canal or canals is to be defined and located by a survey or surveys;

Preamble. And Whereas, the said canal or canals are to be maintained as one of the public works of the United States;

*Therefore be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

National  
Government  
may acquire  
title to cer-  
tain lands.

Deeds, etc.,  
to be re-  
corded as in  
other cases.

Section 1. That the consent of the Legislature be and the same is hereby given to the acquisition by the Government of the United States of the title to such lands within this State contiguous to the route of the said proposed canal or canals as may be necessary for the location and construction of the said canal or canals and its or their appurtenances; and all deeds, conveyances and other papers relating to the title thereof shall be recorded as in other cases in the office of the Recorder of Deeds, in and for Kent County. The consent herein and hereby given being in accordance with the eighteenth clause of the eighth section of the first article of the Constitution of the United States, and with the acts of Congress in such cases made and provided. But notwith-

## OF ROADS AND BRIDGES.

standing such consent and concession the sovereignty and jurisdiction of this State shall extend over all lands, acquired by the United States within the limits of this State so far as all civil and criminal process issued by virtue of any law of this State may be executed in any part of the lands so acquired, or any buildings or structures which there may be erected thereon.

Sovereignty and jurisdiction of the State not to be impaired.

Section 2. That in order to vest title in the United States to such land as may be necessary for the location and construction of said canal or canals, not exceeding three hundred feet in width, in every case where the owner or owners of such lands are unknown, non-residents, or minors, or from any other cause are incapable of making perfect title to such lands, or where such owner or owners being residents and capable of conveying shall from disagreement in price or from any other cause whatever refuse to convey said lands to the United States, the United States, or its authorized agent in that behalf, or any other person, or persons, or corporation now or hereafter created, interested in navigation in the said Little River, may apply by petition to the Associate Judge of the State of Delaware, resident in Kent County, first giving the other party or owner or owners at least five days notice in writing, if within the State; and if the said party, owner or owners be without the State or unknown, then such notice shall be published for at least one issue in some newspaper in Kent County at least five days prior to the intended application, and the said Associate Judge shall appoint five judicious and impartial freeholders of Kent County to view the premises and assess the damages which the owner or owners will sustain by reason of the said canal or canals passing through, taking and occupying the same. The said freeholders shall be sworn or affirmed before some Judge, Justice of the Peace or Notary Public, before entering on the premises, faithfully and impartially to perform the duties assigned them. They shall give ten days notice, in writing, to the owner or owners of the premises, or their guardian or guardians, trustee or trustees, duly ap-

In case of refusal to convey, or where owners are minors or non-residents, application may be made to Associate Judge.

Publication of notice.

Associate Judge shall appoint freeholders.

Ten days notice.

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May sue out  
a writ of ad  
quod dam-  
num.

Actual cash  
value.

Amount  
may be de-  
posited in  
the Farm-  
ers' Bank.

pointed according to law, if within the State, and like notice to the party making the application or its president or duly authorized agent in that behalf, of the time of their meeting to view the premises; and the said commissioners shall certify their findings and award to both parties; but if either party is dissatisfied with the damages so assessed, such party may, on application to the Prothonotary of the Superior Court of the State of Delaware in and for Kent County, within ten days after such assessment, sue out a writ of ad quod damnum, requiring the Sheriff of Kent County, in the usual form, to inquire of twelve impartial men of his bailiwick of the damages aforesaid, and their report shall be final and conclusive; the said commissioners shall, in assessing the damages as aforesaid, award at least the actual cash value of the land so to be taken and used as aforesaid, whereupon the Government of the United States of America, upon its duly authorized agent in that behalf, or any other person, persons, or corporation now or hereafter created, interested in navigation in the Little River, paying the damages so assessed, shall and become entitled to have, hold, use and enjoy the said lands for the purposes aforesaid, forever, and in case of any owner of lands necessary and taken for the purposes of such canal or canals, shall be a minor or a non-resident, or for any cause incapable of receiving, or unwilling or neglecting to receive said damages, or upon failure to call upon the party making the application to the Associate Judge for the appointment of the freeholders as aforesaid, for the same, within ten days after the said damages shall have been determined as aforesaid; the amount of the said damages may be deposited to the credit of such owner or owners in The Farmers Bank of the State of Delaware, at Dover, subject to his, her or their order, whereupon the said Government of the United States of America shall be entitled to have, hold, use and enjoy the said lands and premises described and condemned in said report, and required for the purposes of the said canal or canals, for or on account of which said damages shall have been so assessed.

## OF ROADS AND BRIDGES.

The certificate of the Cashier of the said Farmers Bank shall in all cases be evidence of the payment of the damages so assessed as aforesaid. All the papers incident to the condemnation proceedings aforesaid shall be recorded in the Office for the Recording of Deeds, in and for Kent County and State of Delaware, and the originals, duly recorded, the record thereof or a duly certified copy thereof, shall be competent evidence in all courts of law or equity in this State.

Certificate  
of Cashier of  
the Farm-  
ers' Bank.

Papers shall  
be recorded.

The expenses of the assessment of the said Commissioners of the damages aforesaid and the fees of the said Sheriff, Prothonotary and all costs incurred in the execution of the writ of ad quod damnum shall be paid by the party applying to the Associate Judge for the appointment of the Commissioners as aforesaid.

Costs and  
expenses,  
how paid.

Section 3. That this Act shall be deemed and taken to be a public act.

Approved March 17, A. D. 1911.

## OF ROADS AND BRIDGES.

## CHAPTER 173.

## OF ROADS AND BRIDGES.

AN ACT to amend Chapter 143, Volume 23, Laws of Delaware, entitled "An Act to provide for the permanent improvement of the public highways in Kent County," by changing the territorial limits of the authority levying the special tax for the permanent improvement of public highways.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Chap. 143,  
Vol. 23,  
amended.

Section 1. Amend Chapter 143, Volume 23, Laws of the State of Delaware, by striking out all of Section one thereof, and inserting in lieu thereof the following:

Levy Court  
Commissioners au-  
thorized a  
special tax.

Not to ex-  
ceed \$1000.

To be col-  
lected as  
other county  
taxes are  
collected.

County  
Treasurer  
to keep sepa-  
rate account.

State Treas-  
urer to pay  
to County  
Treasurer  
sum equal to  
amount col-  
lected.

County  
Treasurer  
shall dis-  
burse special  
taxes with  
State appro-  
priation.

"Section 1. That the Levy Court Commissioner of each of the ten representative districts in Kent County, be and he is hereby authorized to annually impose as a special tax upon the real estate and personal property within his representative district any sum not exceeding one thousand dollars. This special tax shall be collected by the collector of said representative district or districts, as other county taxes are collected, and shall be paid over to the County Treasurer who shall open and keep a separate account thereof, and annually upon the certificate of the said County Treasurer that the said special tax so assessed under the provisions of this Act in any representative district or districts, has been collected, the State Treasurer shall pay over to the said County Treasurer for the use of said district or districts respectively, for the purpose of this act a sum equal to the amount which any representative district or districts shall have collected as aforesaid. Said county treasurer shall disburse said special taxes together with the State appropriation as aforesaid, upon orders to be drawn upon him by the Levy Court Commissioner of any representative district or dis-

## OF ROADS AND BRIDGES.

tricts availing itself of the provisions of this Act. Said Commissioners shall cause to be printed special forms of orders Special form of orders to be printed. to be used for the purpose and they shall be designated "Special Road Orders for the Representative District No. . . . . of Kent County."

Section 2. That said Act be further amended by adding Further amendment. thereto the following:

"Section 4. That for the purpose of this Act and for the collection of the special tax as aforesaid, each of the ten representative districts shall be deemed and considered the Limits of, and authority for levying the tax. territorial limits of and the Levy Court Commissioner the authority for levying said tax."

Approved April 13, A. D. 1911.

## OF ROADS AND BRIDGES.

## CHAPTER 174.

## OF ROADS AND BRIDGES.

AN ACT to amend Section 3 of Chapter 159, Volume 22, Laws of Delaware, entitled "An Act to authorize the levying of a special tax for shelling the County Roads of Little Creek Hundred, Sussex County."

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Sec. 3, Chap.  
159, Vol. 22,  
amended.

Section 1. That Section 3 of Chapter 159, Volume 22, Laws of Delaware, entitled "An Act to authorize the levying of a Special Tax for shelling the County Roads of Little Creek Hundred, Sussex County," be and the same is hereby amended by striking out the words "on road leading from Laurel in the direction of Ralph's store by way of Horsey's Mill" where they occur in the fourth and fifth lines of said section and inserting in lieu thereof, the words "in equal proportion on the road leading from Laurel in the direction of Ralph's store by way of Horsey's Mill and on the road branching off from said road and leading by Collin's Mill to Sharptown."

Approved March 17, A. D. 1911.

## OF ROADS AND BRIDGES.

## CHAPTER 175.

## OF ROADS AND BRIDGES.

AN ACT to authorize the levying of a further special tax for shelling the County Roads in Little Creek Hundred, in Sussex County.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Section 1. The Levy Court of Sussex County, or such body as may hereafter be the successor of said Levy Court, be and is hereby authorized to impose, in addition to the special taxes already authorized by Chapter 159, Volume 22, Laws of Delaware and by Chapter 148, Volume 23, Laws of Delaware, a further special tax upon all the taxables assessed in Little Creek Hundred, Sussex County, of ten cents on the one hundred dollars on the assessment of said Hundred for general taxation purposes. This special tax shall be levied for the year A. D. 1911, within thirty days after this Act shall become a law, and annually thereafter, at the regular time for levying County taxes. The said special tax shall be collected as other County taxes are collected, and shall be paid over to the County Treasurer of Sussex County, who shall open and keep a separate account thereof. The said County Treasurer shall disburse said special tax upon orders drawn upon him by the commissioner of said Little Creek Hundred or of the district in which Little Creek Hundred may be included. Said Commissioner shall cause to be printed special forms of orders to be used for this purpose, and they shall be designated "Shell road orders, Act of 1911, for Little Creek Hundred."

Levy Court of Sussex County authorized to impose a further special tax.

When levied.

How collected.

County Treasurer to keep separate account.

Disbursement of special tax.

Special orders to be printed.

Section 2. The money derived from such special tax shall be applied as follows: one-half thereof shall be devoted exclusively to the purchase of oyster shells, for and the payment of freight and distribution thereof upon the County

How the money shall be applied.



## OF ROADS AND BRIDGES.

roads of Little Creek Hundred in the same manner as the special tax levied under the terms of Chapter 159, Volume 22, Laws of Delaware is now applied; and one-half thereof shall be devoted exclusively to the purchase of oyster shells for and the payment of freight and distribution thereof upon the County roads of Little Creek Hundred in the same manner as the special tax levied under the terms of Chapter 148, Volume 23, Laws of Delaware is now applied.

Allotment of  
money not  
to be de-  
creased.

Section 3. The allotment of money to Little Creek Hundred from the General fund for use upon the County roads of said Hundred, shall not be decreased by anything herein contained, and the said Hundred shall receive such allotments in addition to the amounts raised by the special tax herein authorized.

Approved April 19, A. D. 1911.

## OF MILLS.

## CHAPTER 176.

## OF MILLS.

AN ACT for the protection of owners of lands above mill-ponds.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Section 1. Every person or persons, firm or corporation who shall own, lease or control any mill-dam or mill-pond, now or hereafter lawfully established, upon or across any stream of water, shall construct and maintain the dam across such stream in such manner and with such gates and appliances that the waters of said stream shall not at any time be thrown, held or forced back upon the land of any other owner or owners above such mill-pond to the injury or damage of such other owner or owners; and every violation of the provisions of this Act, upon the complaint of the owner or owners of land injured or damaged thereby, shall be deemed a nuisance and shall be punished by a fine not exceeding ten dollars for each day such nuisance continues. Every such person or persons, firm or corporation so offending shall also be liable in pecuniary damages to the owner or owners of land injured by any violation of this Act to be recovered in an action at law.

Owners of mill-dams, or mill-pond shall construct dams so as not to injure lands above such ponds.

Shall be fined not exceeding \$10 for each day.

Liable to owners of land injured.

Section 2. This act shall apply within the limits of Sussex County only.

Approved March 29, A. D. 1911.

# TITLE NINTH

## Regulations Concerning Trade.

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### CHAPTER 177.

#### GENERAL PROVISIONS RESPECTING TRADE.

AN ACT relating to cold storage and refrigerating warehouses and places, and the sale or disposition of the food kept or preserved therein.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

What the term "food" includes.

Exception.

Section 1. The term food as used in this act shall include any article used for food or drink by man or animal, with the exception that it shall not include and apply to the storing and refrigerating of fruits, or of fish.

Food, except fruits, or fish, must be branded, stamped or marked.

Section 2. It shall hereafter be unlawful for any person or persons, corporation or corporations, engaged in the business of cold storage warehousemen, or in the business of refrigerating, to receive any kind of food, with the exception of fruits, or fish unless the said food or the package containing the same is branded, stamped or marked, in some conspicuous place, with the day, month and year when the same is received for storage or refrigerating.

Unlawful to permit any article of food to be taken away, unless stamped or marked.

Section 3. It shall be unlawful for any person or persons, corporation or corporations, engaged in the business of cold storage warehousemen or in the business of refrigerating within the State of Delaware, to permit any article of any kind whatsoever, used for food, now in the possession of any person or persons, corporation or corporations now

## GENERAL PROVISIONS RESPECTING TRADE.

engaged in the business of cold storage warehousemen or refrigerating, to be taken from their possession without first having branded, stamped or marked on the said stuffs or the package containing the same, in a conspicuous place, the day, month and year when said food stuffs or package was received by any person or persons, corporation or corporations engaged in the business aforesaid.

Section 4. It shall hereafter be unlawful for any person or persons, corporation or corporations, engaged in the business of cold storage warehousemen or refrigerating within the State of Delaware, to keep in storage for preservation or otherwise any kind of food or any article used for food for a longer period than six calendar months without the consent granted as hereinafter provided by the Board of Health having jurisdiction, or its duly authorized agents or officers, or except as hereinafter otherwise provided.

Shall not keep in storage more than six months without consent of Board of Health.

Section 5. The State Board of Health or the local Board of Health within the limits of any Municipal Corporation having such local Board, is vested with full power and authority to inspect and supervise all places in the State of Delaware now used or hereafter to be used for cold storage or refrigerating purposes; the members of the Board of Health having jurisdiction as aforesaid, or the duly authorized agents or employees of said Board shall be permitted access to such place or places and all parts thereof at all times for the purpose of seeing that said place or places are kept and maintained in a clean and sanitary manner, and for the purpose of determining whether or not the provisions of this act or any other act relating to food stuffs are being complied with. The power or supervision hereby granted shall extend to enable the State Board of Health as aforesaid to adopt such reasonable rules and regulations as may be determined upon from time to time as essential to the proper protection of the consumer of the commodities kept and preserved in such place or places, and the Board of Health having jurisdiction as aforesaid may appoint and designate

Board of Health given power and authority to inspect and supervise.

May adopt rules and regulations.

## GENERAL PROVISIONS RESPECTING TRADE.

May appoint persons to make inspection. from time to time such person or persons as they deem fit for the purpose of making such inspection.

Shall submit a quarterly report to the Board of Health.

Section 6. All persons or corporations engaged in the business of cold storage warehousemen or in the business of refrigerating in the State of Delaware shall submit a quarterly report to the Board of Health having jurisdiction as aforesaid upon printed forms to be provided by said Board of Health, setting forth in itemized particulars the quantity of each and every food stuff in storage or in the control of said person or persons, corporation or corporations; said quarterly report shall be filed on or before the twenty-fifth day of January, April, July and October, of each year, and reports so rendered shall show conditions existing upon the first day of the month in which said report is filed.

When such report shall be filed.

In the event of food being kept longer than six months.

Section 7. In the event of any food or any article used for food being kept or maintained in refrigerating or cold storage places for a longer period than six months, report of such fact shall be filed by the person or persons, corporation or corporations operating such cold storage or refrigerating place with the Board of Health having jurisdiction as aforesaid, upon blanks so provided by said Board of Health upon application, and no such food or article used for food shall, after the expiration of said period of six months, be delivered to any person or persons, corporation or corporations, without a certificate from the Board of Health having jurisdiction as aforesaid first had and obtained authorizing such delivery. Power is hereby given to said Board of Health, or its proper agents, to extend the time when any particular food stuff or article used for food may be kept, maintained or preserved in such place or places, but in no event shall permission be given to keep or maintain or preserve any food stuff for a longer term than eight months from the date of its reception in such place or places.

Time may be extended.

Not longer than eight months.

Transfer of food prohibited.

Section 8. The transfer of any food from one cold storage or refrigerating warehouse to another for the purpose of evading any provision of this act is hereby prohibited.

## GENERAL PROVISIONS RESPECTING TRADE.

Section 9. Any food kept or preserved in any cold storage warehouse or refrigerating place for a longer period than herein provided for shall be sold at public auction by the person or persons, corporation or corporations having the custody of the same, and at the place where the same is kept or preserved, within sixty days after the time limited for the keeping or preserving thereof, unless said food has been condemned as unfit for use by the Board of Health having jurisdiction as aforesaid, in which case it shall be destroyed or otherwise disposed of under such conditions as the said Board of Health may prescribe.

Food kept for longer period shall be sold at auction.

Within sixty days after time limited.

Condemned food to be destroyed.

Section 10. That it shall be unlawful for any person or persons, corporation or corporations, firm or agent to dispose of poultry or game within the State of Delaware, that has not been drawn before being placed in cold storage. And that it shall be unlawful for any person or persons, corporation or corporations, firm or agent to dispose of any eggs that have been kept in cold storage except from the original crate or package, said crate to be marked with the date when said eggs were placed in said cold storage or refrigerator.

Poultry, or game, must have been drawn.

Eggs to be kept in original crate or package.

Marked with the date.

Section 11. Any person or persons, corporation or corporations, or officer or officers thereof, violating any of the provisions of this act shall be guilty of a misdemeanor, and upon conviction thereof shall pay a fine of not less than one hundred dollars or more than one thousand dollars, or shall be imprisoned for a term not less than sixty days or more than one year, or shall be sentenced with a fine or imprisonment or both in the discretion of the Court.

Penalty for violation of the provisions of the act.

Section 12. Nothing in this act shall be held to affect or apply to the storing or refrigerating of fruits or fish.

Shall not apply to fruits or fish.

Section 13. This Act shall take effect immediately upon its approval.

Approved April 19, A. D. 1911.

## GENERAL PROVISIONS RESPECTING TRADE.

## CHAPTER 178.

## GENERAL PROVISIONS RESPECTING TRADE.

AN ACT to Exempt Veterans of the Civil War from the Payment of an Auctioneer's License.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :*

Soldiers and  
Sailors of the  
Civil War  
not required  
to take out  
an Auction-  
eer's license.

Section 1. That from and after the passage of this Act, all honorably discharged Soldiers and Sailors of the Civil War, residents of the State of Delaware, who have served at least two years in the Army or Navy, are hereby exempt from the payment of an Auctioneer's license and are not required to have such license in order to engage in the occupation of Auctioneer anywhere within the State of Delaware.

Approved March 7, A. D. 1911.

## OF RETAILERS OF GOODS AND PEDDLERS.

## CHAPTER 179.

## OF RETAILERS OF GOODS AND PEDDLERS.

AN ACT to amend an Act entitled, "An Act to prevent bogus sales within the State of Delaware, being a supplement to Chapter 68 of the Revised Code of the State of Delaware," being Chapter 71, Volume 20, Laws of Delaware.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Section 1. That the act entitled, "An Act to prevent bogus sales within the State of Delaware, being a supplement to Chapter 68 of the Revised Code of the State of Delaware," being Chapter 71, Volume 20, Laws of Delaware be and the same is hereby amended by striking out the words and figures "Section 4" in the first line of Section 4 of said Act and insert in lieu thereof the words and figures "Section 5."

Chap. 68, Revised Code, being Chap. 71, Vol. 20, amended.

Section 2. That the said Act be and the same is hereby further amended by inserting a new Section between Section 3 of said Act and the Section next following, to be known as Section 4 of said Act, said new Section being as follows:

Further amended.

"Section 4. In case of the violation of any of the provisions of this Act by any person, association of persons, firm, or corporation, any person or persons acting as agent or agents of such person, association of persons, firm, or corporation, may be proceeded against as principals and if found guilty of violating the provisions of this Act, shall be punished in accordance with the provisions thereof."

Persons acting as agents may be proceeded against as principals.

Section 3. All Acts and parts of Acts inconsistent with this Act are hereby repealed.

Approved April 19, A. D. 1911.



## OF RETAILERS OF GOODS AND PEDDLERS.

## CHAPTER 180.

## OF RETAILERS OF GOODS AND PEDDLERS.

AN ACT in relation to Peddlers and Hucksters within the County of New Castle.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :*

Chap. 617,  
Vol. 18, and  
acts amend-  
atory there-  
to, repealed.

Section 1. That the provisions of Chapter 617, Volume 18, Laws of Delaware; Chapter 646, Volume 11, Laws of Delaware; Chapter 123, Volume 12, Laws of Delaware, Chapter 142, Volume 18 Laws of Delaware, and all acts and parts of acts amendatory thereof, particularly an act entitled "of Retailers of Goods and Peddlers," passed at Dover May 19, 1897, being Chapter 512, page 543, Volume 20 Laws of Delaware, Chapters 162, 389, 390, Volume 22, Laws of Delaware, Chapters 152, 153, Volume 23 Laws of Delaware, Chapter 169, Volume 24 Laws of Delaware, and Chapter 151, Volume 25 Laws of Delaware, in so far as they or any of them may relate to peddlers within the County of New Castle, be and the same are hereby repealed; it being the intent that the provisions of this Act so far only as affects licenses for peddlers within the County of New Castle constitute and are a substitute therefor.

Meaning of  
the word  
huckster.

Section 2. Any person who shall carry a pack, basket or other receptacle, or use any sort of vehicle drawn by horses or propelled in any other manner, from which grains, fruits, garden vegetables and country produce in general shall be sold or offered for sale, and who shall in any way carry upon or with him or her grains, fruits, garden vegetables and country produce in general, for sale, except as provided in Section 7 of this Act, within the limits of the County of New Castle, shall be a huckster within the meaning of this Act; and any person who shall carry a pack, bas-

## OF RETAILERS OF GOODS AND PEDDLERS.

ket or other receptacle or use any sort of vehicle drawn by horses or propelled in any other manner from which personal property, other than that above mentioned in this Section, shall be sold or offered for sale, or who shall in any way carry upon or with him or her personal property, other than that above mentioned in this Section, for sale within the limits of the County of New Castle, shall be a peddler within the meaning of this Act.

Meaning of the word peddler.

Section 3. Any person desiring to engage in the business of a peddler or huckster, as defined in Section 2 of this Act, within the limits of New Castle County, shall take out a license in his or her name, authorizing him or her to engage in the said business, and if a peddler or huckster with horses and wagons said license shall also authorize the servants and employes of said peddler or huckster to use said horses and wagons in said business.

Shall take out a license.

If using horses and wagons, license shall authorize servants and employes to use same.

All licenses hereafter issued to peddlers and hucksters shall expire annually upon the first day of June, next succeeding the date of issue.

License shall expire annually.

All licenses under the provisions of this Act shall be issued by the Clerk of the Peace of New Castle County, to whom shall be paid the following fees: Each person applying for a license to carry on the business of huckster on foot, shall pay the sum of ten dollars. Each person applying for a license to carry on the business of huckster with wagons and horses, shall pay the sum of fifteen dollars for each wagon with which one horse is used; and each person applying for a license to carry on the business of huckster for each wagon with which more than one horse is used shall pay the sum of twenty-five dollars. Each person applying for a license to carry on the business of a footpeddler, shall pay for his license the sum of twenty-five dollars. Each person carrying on the business of a peddler with wagons and horses, shall pay to the Clerk of the Peace, for each wagon with which one horse is used, the sum of thirty-five dollars; and for each wagon with which more than one horse is used,

Clerk of the Peace to issue licenses.

Fees to be charged.

## OF RETAILERS OF GOODS AND PEDDLERS.

All fees for  
use of the  
State.

said person shall pay the sum of fifty dollars. All fees collected under the provisions of this Act shall be for the use of the State.

Clerk of the  
Peace to  
provide  
badges and  
tags.

What badges  
and tags  
shall have  
displayed  
thereon.

Color of tags.

Shall wear  
a badge.

Wagons shall  
plainly dis-  
play tag.

Section 4. It shall be the duty of the Clerk of the Peace of New Castle County, at the expense of the State to provide badges for each foot peddler licensed, and tags for each wagon used in the business of peddling. Said badges and tags shall have displayed thereon, the number of the license, the word "peddler" and figures indicating the year during which said license shall be in force. Said tags for any one year shall all be of the same color, and said color of the tags for any one year shall be different and clearly distinguishable from the color of the tags of the preceding year. Each foot peddler during the period in which he is engaged in his business of peddling, shall wear a badge with the number of the license thereon, in a conspicuous place and where the same may be easily seen. Each wagon licensed shall while the same is used in the business of peddling, have one of said tags with the number of the license thereon attached to the front body of said wagon, in such a position that the same may be readily and plainly seen.

Not trans-  
ferable.

Section 5. Licenses issued under the provisions of this act shall not be transferable.

May apply  
for a du-  
plicate.

Application  
to be in  
writing.

Section 6. In the event that any tag or badge issued under the provisions of this act shall become lost or destroyed, the holder of said tag or badge may apply to the Clerk of the Peace for a duplicate tag or badge. Such application shall be in writing setting forth briefly the circumstances under which said tag or badge was lost or destroyed and said applicant shall make oath before said Clerk of the Peace that the facts contained in said application are true. The said Clerk of the Peace may issue a duplicate tag or badge to the person making said application for the same, provided that it shall be shown to his satisfaction that said tag or badge has been lost or destroyed.

## OF RETAILERS OF GOODS AND PEDDLERS.

Section 7. The provisions of this Act shall not apply to any manufacturer selling or peddling anything manufactured by him in this State, or to any person selling or peddling grain, provisions, provender or fruit grown, prepared or raised upon the land of the person offering the same for sale, or any person selling or peddling milk or cream or to butchers regularly engaged in the peddling of meat.

Not to apply  
to certain  
persons.

Section 8. The provisions of this Act shall not apply to honorably discharged soldiers and sailors of the Civil War, residents of the State of Delaware, and the same shall not be required to have a peddler's license in order to engage in the business of a peddler anywhere within the State of Delaware, provided however that such honorably discharged soldier or sailor when engaging in such occupation shall at all times carry a certificate of his discharge in lieu of a license, for the inspection of any police officer, City constable or peace officer within this State.

Not to apply  
to soldiers  
and sailors.

Shall carry  
certificate  
of discharge  
in lieu of li-  
cense.

Section 9. Any person who shall within the limits of the said County of New Castle, carry on the business of a peddler without having a license in accordance with the provisions of this act shall upon conviction be punished by a fine; for the first offense, of not less than Five Dollars (\$5.00), or more than Ten Dollars (\$10.00), for the second offense, not less than Ten Dollars (\$10.00), or more than Twenty Dollars (\$20.00); and the third and all subsequent offenses, not less than Five Dollars (\$5.00), or more than One Hundred Dollars (\$100.00).

Penalty for  
violation of  
act.

Section 10. All violations of this act and offenses against the same are hereby constituted misdemeanors and the Municipal Court of the City of Wilmington and the Justices of the Peace in and for New Castle County shall have jurisdiction to hear, try and determine said misdemeanors or any of them upon information lodged therein by the Attorney General of this State, or any one of his Deputies, or the prosecuting officer of the Municipal Court, or any other person under oath.

Municipal  
Court and  
Justices of  
the Peace  
shall have  
jurisdiction.

## OF RETAILERS OF GOODS AND PEDDLERS.

Not to apply  
to any ped-  
dler's license  
now in force.

Section 11. The provisions of this Act shall not apply to any peddler's license now in force in New Castle County. This Act shall take effect from the date of its approval by the Governor, and all acts or parts of acts inconsistent herewith are hereby expressly repealed.

Approved April 4, A. D. 1911.

## OF PILOTAGE, NAVIGATION AND VESSELS.

## CHAPTER 181.

## OF PILOTAGE, NAVIGATION AND VESSELS.

AN ACT to amend Chapter 449, Volume 16, Laws of Delaware, entitled "An Act regulating pilots and pilotage of and in the Bay and River Delaware," as amended by Chapter 619, Volume 18, Laws of Delaware, entitled "An Act to amend an Act entitled 'An Act regulating pilots and pilotage of and in the Bay and River Delaware.'"

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Section 1. That Section 2 of Chapter 449, Volume 16, Laws of Delaware, entitled "An Act regulating pilots and pilotage of and in the Bay and River Delaware," be, and the same is hereby amended by striking out in lines twelve and thirteen of said Section the following words: "Those of second class to persons capable of piloting ships or vessels drawing twelve feet of water or under," and insert in lieu thereof the following words: "Those of second class to persons capable of piloting ships or vessels drawing twenty-three feet of water or under. Those of third class to persons capable of piloting ships or vessels drawing fifteen feet of water or under."

Sec. 2, Chap.  
449, Vol. 16,  
amended.

Words in-  
serted in  
lieu of.

Section 2. That Section 3 of Chapter 619, Volume 18, Laws of Delaware, be and the same is hereby amended by striking out all of said Section 3 and inserting in lieu thereof the following new Section which shall be known as Section 3:

Sec. 3, Chap.  
619, Vol. 18,  
amended.

"Section 3. That no license of the first, second or third class shall be granted to any person or persons except such persons as have heretofore held or do now hold such license under the laws of this State, or shall have served a regular apprenticeship of at least four years to a licensed pilot of this State, on board of a Delaware Bay or River pilot boat,

Granting of  
license.

## OF PILOTAGE, NAVIGATION AND VESSELS.

nor shall any license be granted until the person applying shall have arrived at the age of twenty-one years and given bond with sufficient surety to the Governor of this State, in a sum not exceeding five hundred dollars, conditioned for the true and faithful performance of the duties and services required by this Act, and that he will not aid or assist in violating the Revenue Laws of the United States, and that he will deliver up the license to him granted when required by the Board in pursuance to the provisions of this Act, nor shall any first or second class license be granted to any person, until the number of first and second class pilots licensed under the laws of this State shall have been reduced to forty-two, and thereafter such number of forty-two shall not be exceeded. The whole number of third class licensed pilots shall not exceed ten at any one time. Whenever and as often as a vacancy shall occur by reason of the number of first and second class pilots being reduced to less than forty-two, a license shall be granted to the senior third class pilot, who is duly qualified under the laws of this State. No person shall be entitled to a license of the first class until he has served for one year as a pilot in the second class, and no person shall be entitled to a license as pilot of the second class who has not served one year as a pilot of the third class; provided, however, that this provision shall not affect any license now in force. No person shall be entitled to a license as pilot in any class without first having under the immediate inspection of his master or a pilot of the first or second class, conducted a vessel forty-eight trips each year for a period of two years immediately preceding, up or down the Delaware River and Bay. The number of apprentices employed at any one time shall be under the control and within the discretion of the Board of Pilot Commissioners of the State of Delaware.

Shall be  
twenty-one  
years old.

Shall give  
bond of \$500.

Condition  
of bond.

When first  
and second  
class license  
shall be  
granted.

Third class  
not to exceed  
ten.

Whenever a  
vacancy  
shall occur.

Who shall  
not be en-  
titled.

Not to affect  
any license  
now in force.

Shall have  
conducted  
vessel forty-  
eight trips a  
year for two  
years.

Apprentices  
shall be un-  
der control  
of Board of  
Pilot Com-  
missioners.

Approved March 1, A. D. 1911.

## OF LEGAL HOLIDAYS.

## CHAPTER 182.

## OF LEGAL HOLIDAYS.

AN ACT making the Twelfth Day of October in each year, known as "Columbus Day," a Legal Holiday.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Section 1. That from and after the passage of this Act, the twelfth day of October in each year, known as "Columbus Day," is declared and hereby made a legal holiday, and all laws, or parts of laws, of the State of Delaware, applicable to, or having reference in any way to legal holidays are hereby extended, and are in all cases to be deemed and taken as applicable to the aforesaid twelfth day of October.

Oct. 12, a legal holiday, known as "Columbus Day."

Section 2. That from and after the passage of this Act, payment of all notes, checks, or other instruments negotiable by the laws of this State, and becoming payable on the said twelfth day of October in any year hereafter, shall be deemed to become due and payable on the secular day next preceding that day, on which said secular days, demand of payment may be made and in case of non-payment or dishonor of the same, protest may be made and notice given in the same manner, and with the like legal effect, as if such note, check, bill of exchange or other instrument, fell due on the day of such demand, and the rights and liabilities of all parties concerned therein shall be the same as in other cases of like instruments legally proceeded with; Provided, that nothing herein contained shall be so construed as to render void any demand, notice or protest made or given as heretofore at the option of the holder, nor shall the same be so construed as to vary the rights or liabilities of the parties to any such instruments heretofore executed.

Notes, checks, etc., falling due shall be payable the day before.

Approved March 7, A. D. 1911.



# TITLE TENTH

## Of Corporations.

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### CHAPTER 183.

#### GENERAL PROVISIONS RESPECTING CORPORATIONS.

AN ACT providing a method for the Renewal and Revival of the Charters of Corporations which have expired.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (with the concurrence of two-thirds of all the members elected to each House of the General Assembly) :*

Corporation  
may renew  
and revive  
Charter that  
has expired.

Section 1. That any corporation which was in existence under the Laws of this State on the Tenth day of March, A. D. 1899, and whose Charter has expired, by reason of failure to renew the same through oversight or inadvertence, may, at any time before the first day of January, A. D. 1912, procure a renewal and revival of its charter for any period, together with all the rights, franchises, privileges and immunities, and subject to all its duties, debts and liabilities which had been secured or imposed by its original charter and all amendments thereto, by filing with the Secretary of State a certificate of its last or acting President and Secretary, duly sworn or affirmed to by such officers.

Certificate  
to be filed  
with the  
Secretary  
of State.

Such Certificates shall set forth :

What certi-  
ficate shall  
set forth.

(1) The name of the corporation, which name shall be the same name it bore when the charter expired.

## GENERAL PROVISIONS RESPECTING CORPORATIONS.

(2) The name of the City, town or place within the county in which its principal office or place of business is located in this State.

(3) The date when such renewal or revival is to commence, which shall be prior to the date of the expiration of the old charter which it is desired to renew and revive; whether or not such renewal and revival is to be perpetual, the time for which such renewal and revival is to continue.

(4) That the corporation desiring to be renewed and revived, and so renewing its charter, was duly organized and carried on the business authorized by its charter until the day of 1, at which time its Charter expired by limitation through inadvertence and oversight on the part of the corporation. This Certificate for renewal and revival is filed by authority of those who were President and Directors or Managers of the said corporation at the time its charter expired and who under the laws of this State by virtue thereof became its trustees.

Such certificate shall be filed, copied, recorded and dealt with, and in all respects shall have the same force and effect as if such Certificate had been filed by said corporation before the expiration of its charter, under the provisions of "An Act providing a General Corporation Act," approved March 17, 1903, Chapter 394, Volume 22, Laws of Delaware. Upon such revival and renewal, all acts, matters and things done and performed by such corporation within the scope of its charter, since the expiration of the same, shall be and hereby are expressly ratified and approved, and all real and personal property, rights and credits which were of the said corporation at the time of the expiration of its charter, and which have not been since disposed of, shall be vested in and restored to the renewed and revived corporation as fully and amply as they were held by the said corporation at and before its charter expired.

Certificate shall have same force and effect as if it had been filed before expiration of Charter.

All acts, matters and things fully restored and revived.

## GENERAL PROVISIONS RESPECTING CORPORATIONS.

Must first  
pay all taxes  
and charges.

Section 2. Any corporation seeking to renew its charter under the provisions of this Act shall first pay all City, County, State and franchise taxes and charges which it would by law have been liable to pay and chargeable with, if its said charter had not expired; and said corporation shall file with the certificate mentioned in Section 1 of this Act a statement executed and sworn or affirmed to by its last or acting President and Secretary. Said statement shall contain the amount of said taxes and charges so paid, the date of payment, to whom paid, and the period of time covered by said taxes and during which they accrued.

Shall file a  
statement.

What the  
statement  
shall con-  
tain.

Shall file  
under seal  
an accept-  
ance of the  
Constitution.

Section 3. Before the Charter of any corporation shall be renewed and revived under the provisions of this Act, it shall file under the seal used by said corporation immediately prior to the expiration of the Charter of the said corporation, and duly attested by its last Acting Secretary in the office of the Secretary of State, an acceptance of the provisions of the present Constitution of this State.

Approved March 14, A. D. 1911.

## GENERAL PROVISIONS RESPECTING CORPORATIONS.

## CHAPTER 184.

## GENERAL PROVISIONS RESPECTING CORPORATIONS.

AN ACT providing for the Renewal and Revival of the Charters of Corporations which have expired.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of all the members elected to each Branch thereof concurring therein) :*

Section 1. That any Corporation which was created under the provisions of an Act entitled "An Act Providing a General Corporation Law," approved March 10, A. D. 1899, and the Acts amendatory thereof and supplemental thereto, and whose charter has become inoperative or void by proclamation of the Governor or by operation of law, for non-payment of taxes, and which, by reason of lapse of time cannot be re-instated and entitled to all its franchises and privileges under the provisions of Section 16 of an Act entitled "An Act to Raise Revenue for the State by Taxing Certain Corporations," approved March 10, A. D. 1899, may, at any time within sixty days after the approval of this Act by the Governor, procure a renewal and revival of its Charter for any period, together with all the rights, franchises, privileges and immunities and subject to all its duties, debts and liabilities which had been secured or imposed by its original Charter, and all amendments thereto, by filing with the Secretary of State of the State of Delaware, a certificate of its last or acting President and Secretary, duly sworn or affirmed to by such Officers. Such certificate shall set forth:

Corporation may procure a renewal and revival of its charter.

Within sixty days after approval of this act.

Certificate to be filed with the Secretary of State.

1: The name of the Corporation, which name shall be the same name it bore when the charter expired, except as otherwise provided in section 2 of this Act;

Shall set forth name of Corporation.

## GENERAL PROVISIONS RESPECTING CORPORATIONS.

Place of its  
principal  
office.

2: The name of the City, Town or place within the County in which its principal place of business is located in this State.

Date when  
renewal is to  
commence.

3: The date when such renewal or revival is to commence, which shall be prior to the date of the expiration of the old charter, which it is desired to renew and revive;

Whether re-  
newal is to  
be perpetual.

whether or not such renewal and revival is to be perpetual and the time for which such renewal and revival is to continue.

That corpo-  
ration was  
duly or-  
ganized.

4: That the corporation desiring to be renewed and revived, and so renewing its charter, was duly organized and carried on business authorized by its Charter until the day of A. D. 1 , at which time

That it be-  
came void  
for non-pay-  
ment of  
taxes.

its charter became inoperative and void by proclamation of the Governor or by operation of law, for non-payment of taxes.

Certificate  
to be filed  
by authority  
of proper  
officers.

This certificate for renewal and revival is filed by authority of those who were President and Directors or Managers of the said Corporation at the time its charter expired, and who, under the laws of this State, by virtue thereof, became its Trustees. Such certificate shall be filed, copied, re-

Shall have  
same force  
and effect as  
if it had not  
become void.

recorded and dealt with, and in all respects shall have the same force and effect as if said charter had not become inoperative or void. Upon such revival and renewal, all acts, matters and things done and performed by such Corporation within the scope of its charter, since the expiration of the same, shall be and hereby are expressly ratified and approved, and all real and personal property, rights and credits which were of said corporation at the time of the expiration of its charter, and which have not been since disposed of, shall be vested in and restored to the renewed and revived corporation as fully and amply as they were held by the said Corporation at and before the time its charter expired.

All rights  
restored.

Section 2. If, since the expiration of the charter of said corporation, any other corporation organized under the provisions of the laws of the State of Delaware shall have been

## GENERAL PROVISIONS RESPECTING CORPORATIONS.

given and shall have adopted the same name as the corporation whose charter has expired or shall have been given or adopted a name so nearly similar thereto, that the Secretary of State of the State of Delaware shall consider would constitute a confusion in names, then and in such case said renewed and revived corporation shall not be renewed under the same name which it bore when its charter expired, but shall adopt and be renewed under, any other name which, under existing law, could be adopted by any corporation intended to be formed and organized under the General Corporation Laws of the State of Delaware, and in such case the certificate to be filed by the last or acting President and Secretary as set forth in Section 1 of this Act, shall recite the name borne by said Corporation at and before the time its charter expired and the new name under which said corporation is intended to be renewed and revived.

Shall adopt a new name, if name it bore be given to another corporation.

Shall recite both names.

Section 3. Any corporation seeking to renew its charter under the provisions of this Act, shall first pay all City, County, State and Franchise taxes and charges which it would, by law, have been liable to pay and chargeable with, if its said charter had not expired; and said corporation shall file with the certificate mentioned in Section 1 of this Act, a Statement executed and sworn or affirmed by its last or acting President and Secretary. Said statement shall contain the amount of said taxes and charges so paid, the date of payment, to whom paid and the period of time covered by said taxes and during which they accrued.

Shall first pay all taxes and charges.

Shall file a certificate.

What statement shall contain.

Approved April 4, A. D. 1911.

## GENERAL PROVISIONS RESPECTING CORPORATIONS.

## CHAPTER 185.

## GENERAL PROVISIONS RESPECTING CORPORATIONS.

AN ACT to amend Chapter 70 of the Revised Code of 1852, as amended and published in 1893.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Chap. 70,  
Revised Code  
amended

Section 1. That Chapter 70 of the Revised Code of 1852, as amended and published in 1893, be and the same is hereby amended by striking out, in the second line of Section 14 of said Chapter 70, the word "or," and by inserting after the word "Treasurer" and before the word "of," in the third line of said Section 14, the words "or any Director."

Words in-  
serted.

Approved March 29, A. D. 1911.

## GENERAL PROVISIONS RESPECTING CORPORATIONS.

## CHAPTER 186.

## GENERAL PROVISIONS RESPECTING CORPORATIONS.

AN ACT to amend Section 2, Section 74 and Section 107, of Chapter 394, Volume 22, Laws of Delaware, as the same has from time to time been amended, being entitled "An Act providing a General Corporation Law."

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (with the concurrence of two-thirds of the members elected to each House of the said General Assembly) :*

Section 1. That Sections 2, 74 and 107 of Chapter 394, Volume 22, Laws of Delaware, as the same has been from time to time amended, entitled "An Act Providing a General Corporation Law," be and the same are hereby amended as follows: Sections 2, 74, and 107, Chap. 394, Vol. 22, amended.

Section 2. That Section 2, paragraph 4 of the said act is hereby amended as follows: by inserting after the words "and to mortgage" in said paragraph, the words "or lease." Word "lease" inserted.

Section 3. That Section 74 of said Act be amended as follows: by adding at the end of said section, after paragraph 5, an additional paragraph numbered six, to read as follows:

"6. To lease all or any part of its real and personal property, together with its franchises." Additional paragraph.

Section 4. That Section 107 of said Act is hereby amended as follows: by adding at the end of said section, the following words: "To lease all or any part of its real and personal property, together with its franchises." Words added to Sec. 107.

Section 5. All acts or parts of acts inconsistent herewith are hereby repealed.

Approved March 31, A. D. 1911.



## GENERAL PROVISIONS RESPECTING CORPORATIONS.

## CHAPTER 187.

## GENERAL PROVISIONS RESPECTING CORPORATIONS.

AN ACT to amend Section 108, Chapter 273, Volume 21, Laws of Delaware, entitled "An Act providing a General Corporation Law."

Preamble.

Whereas, Certain controversies have arisen between the State of Delaware and others concerning the intent and meaning of portions of Section 108 of the General Corporation Law of the State of Delaware, approved March 10th, A. D. 1899, as the same has since from time to time been amended; and

Preamble.

Whereas, It is considered advisable that the State of Delaware should declare more fully the intent of such Section, for the purpose of removing any future controversies thereunder; now therefore

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of the members elected to each House of the General Assembly concurring therein):*

Sec. 108,  
Chap. 273,  
Vol. 21,  
amended.

Section 1. That Section 108, Chapter 273, Volume 21, Laws of Delaware, entitled "An Act providing a General Corporation Law" as the same may have been from time to time amended, is hereby amended as follows: By inserting after the words "subject to be repaid to the Directors of the said Corporation or to the Treasurer thereof in sums of Five Hundred Dollars for each Mile of said railway," the word "Only."

The word  
"only" in-  
serted.

Section 2. That all Acts or parts of Acts inconsistent herewith are hereby repealed.

Approved March 31, A. D. 1911.

## GENERAL PROVISIONS RESPECTING CORPORATIONS.

## CHAPTER 188.

## GENERAL PROVISIONS RESPECTING CORPORATIONS.

*Be it enacted by the Senate and House of Representatives of Delaware in General Assembly met (with the concurrence of two-thirds of the members elected to each House of the General Assembly) :*

Section 1. That Chapter 167, Volume 22, Laws of Delaware, be amended by inserting the words "wilful or negligent" after the word "any" and before the word "violation," in the eighth line of Section 35 of said Chapter.

Section 2. That Chapter 167, Volume 22, Laws of Delaware, be amended by striking out the word "and" in the twenty-first line of Section 35 of said Chapter and inserting in lieu thereof the word "or."

Approved March 31, A. D. 1911.

## GENERAL PROVISIONS RESPECTING CORPORATIONS.

## CHAPTER 189.

## GENERAL PROVISIONS RESPECTING CORPORATIONS.

AN ACT to amend an Act entitled "An Act Providing a General Corporation Law" (being Chapter 273, Volume 21, Laws of Delaware, as amended) by authorizing the organization of Boulevard Corporations.

*Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met, (two-thirds of all the members elected to each House of the General Assembly concurring herein):*

Chap. 273,  
Vol. 21,  
amended.

Section 1. That the Act entitled "An Act Providing a General Corporation Law" (being Chapter 273, Volume 21, Laws of Delaware,) be and the same is hereby amended by adding thereto the following additional Sections, numbered, respectively, 142 to 169, both inclusive, as follows, to wit:

Boulevard  
defined.

Section 142. A Boulevard within the contemplation of this Act is defined to be a broad strip of land upon which must exist a well built road for vehicular travel; and upon which may be constructed, maintained and operated a railway or railways; and beneath the surface of which may be laid, maintained and operated pipes and conduits for distributing steam, heat and power; and along which, either by poles and wires above the surface or by pipes, or conduits, and wires below the surface, electricity and electric current may be distributed for any purpose whatsoever; and beneath the surface of which may be laid, maintained and operated pipes, tubes, mains and conduits for the distribution or transportation of gas, water or oil or any other useful article; and upon, or under the surface, of which may be constructed and operated telegraph or telephone lines, by means of poles and wires, or cables, or underground conduits or otherwise; and which may be beautified by trees, grass, flowers and shrubbery; and which may also be used for any

## GENERAL PROVISIONS RESPECTING CORPORATIONS.

other purpose not unlawful and not necessarily detrimental to the use of the said road for vehicular travel.

Section 143. Any number of persons not less than five may form a corporation under the provisions of this Act, which corporation, so formed as aforesaid, shall have perpetual succession for the purpose of locating, building, constructing, maintaining and operating a Boulevard extending from some place in the northern part of New Castle County, by as nearly a straight course as may prove feasible and desirable, through the State of Delaware to the southern boundary thereof and which corporation shall do and perform the several matters and things hereinafter stated and shall have and exercise all the rights, franchises, powers and privileges hereinbefore and hereinafter conferred and be subject to all the duties, limitations, restrictions and liabilities hereinafter imposed upon such corporations; and for that purpose may make and sign Articles of Association, in lieu of the Articles of Association hereinbefore required by the provisions of this Act for corporations generally and for railroad corporations and for railway corporations, in which shall be stated :

1. The name of the corporation. Name.
2. The place in the northern part of New Castle County from or near which and the place at the southern boundary of the State to or near which such Boulevard is to be built and constructed. Place to and from.
3. The estimated length of such Boulevard. Length.
4. The amount of the capital stock of the corporation, which shall not be less than Two Thousand Dollars for every mile of such Boulevard proposed to be constructed. Amount of capital stock.
5. The number of shares of which said capital stock shall consist. Number of shares.

## GENERAL PROVISIONS RESPECTING CORPORATIONS.

Names and  
residences of  
Directors.

6. The names and places of residence of the five Directors of the corporation who shall manage its affairs for the first year and until others are chosen in their places; and each such person shall subscribe thereto his name, place of residence and the number of shares of stock he agrees to take in such corporation. At least one of said Directors shall be a resident of this State.

Shall reside  
in State.

Principal  
office.

7. The name of the city, town, county or place within the county, in this State, in which its principal office or place of business will be located in this State.

Articles of  
Association  
to be sub-  
mitted to the  
Judges.

Section 144. Said Articles of Association shall be presented to one of the Judges of the Superior Court of the State of Delaware, who shall examine the same and, if found to conform to the requirements of this Act, shall endorse his certificate thereon accordingly. On compliance with the foregoing provision and the requirements of Section 148 hereof, which latter shall be evidenced by the receipt of the State Treasurer, delivered to the Secretary of State, such Articles of Association may be filed in the office of the Secretary of State, who shall endorse thereon in writing the day they are filed and record the same in the book to be provided by him for recording Articles of Association of railway corporations; and upon tendering the said Articles to the Secretary of State to be filed, the persons who have so subscribed such Articles of Incorporation and all persons who shall become stockholders in such corporation shall be a corporation by the name specified therein; every such corporation formed under this Act, in addition to the general powers hereinbefore in this Act set forth, shall have power:

Filed with  
Secretary  
of State.

Power and  
authority  
to enter  
upon land  
and waters.

1. To have authority, by its officers and agents, to enter upon the lands or waters of any person or persons, which may be necessary, to make such examination and surveys for its proposed Boulevard as shall be required to be made in the selection of the most satisfactory route, but subject at all times to responsibility for all and any damage which shall be done to the property of any such person or persons.

Responsible  
for any  
damage.

## GENERAL PROVISIONS RESPECTING CORPORATIONS.

2. To aid in the location, building and construction of said Boulevard and to aid in the operation, maintenance and accommodation of that part of said Boulevard to be operated and maintained by such corporation, the said corporation may take and hold such voluntary grants of real estate and other property as shall be made to it.

May take voluntary grants of real estate and other property.

3. To effectuate the purposes of such corporation, to fully exercise any one or more of its powers and franchises and to accomplish any one or more of the objects of its incorporation, it may purchase, hold, own and use all such real estate and other property as may be necessary or desirable.

May purchase, own and use real estate and other property.

4. To build and construct its Boulevard or any part thereof, or to exercise any of the powers, privileges or franchises by this Act conferred upon Boulevard corporations, such corporation may take as much more land as may be necessary or required for the proper construction and security of the Boulevard or any part thereof.

May take as much more land as may be necessary.

5. To use and exercise all other rights and powers hereby granted.

Section 145. Every Boulevard corporation organized under the provisions of this Act shall have the right to build and construct, and every such corporation is hereby required to build and construct, upon and as a part of its said Boulevard, a good, modern road for vehicular travel, not less than twelve nor more than eighteen feet wide, the width within said limits to depend upon the travel anticipated for the particular portions of said road, extending from the northern terminus of said Boulevard, throughout the whole length thereof, to the southern terminus thereof, the said road to be made of stone, gravel, brick, shells, asphalt or such other roadbuilding materials as shall be most available and accessible and as shall, by competent road engineers, be deemed most suited to conditions as they exist at various points along the road, the road to be properly constructed with respect to drainage and to have on either side suitable space

What is required in the construction of a boulevard.

## GENERAL PROVISIONS RESPECTING CORPORATIONS.

Shall not  
be less than  
thirty feet  
wide.

Shall convey  
title to the  
State.

State re-  
quired to  
maintain  
road, etc.

for planting trees, and the said road to be made continuous and complete by substantial and suitable bridges, culverts and crossings, where necessary. The portion of the said Boulevard to be devoted to the said road for vehicular travel, and its accessories, shall be not less than thirty feet wide. So soon as the said road is completed, or any section thereof not less than ten miles in length, the said corporation shall convey title to the thirty feet wide portion of said Boulevard devoted to the said road and its accessories, or to such completed section thereof not less than ten miles in length, unto the State of Delaware, free of cost to the State, and the State of Delaware shall be, and it is hereby, required forever to maintain the said road, or such section thereof, and all bridges, culverts and crossings forming a part thereof, in the same condition as when completed and conveyed to the State.

Governor  
shall appoint  
a competent  
engineer to  
be Superin-  
tendent of  
Highways.

Duty of  
Superinten-  
dent of  
Highways.

Authority  
to employ  
men, and  
purchase  
necessary  
implements  
and ma-  
chinery.

Section 146. Upon the completion of any such road for vehicular travel by any Boulevard corporation organized under the provisions of this Act, or of any such section thereof not less than ten miles in length, and the acceptance thereof by the commission created by Section 149 hereof, and the conveyance of the same to the State of Delaware, as aforesaid, the Governor shall appoint a competent civil engineer, having experience and knowledge with respect to constructing and maintaining roads for vehicular travel, to be Superintendent of Highways constructed and conveyed to the State by Boulevard corporations organized under the provisions of this Act. It shall be the duty of such Superintendent of Highways to have supervision of, to direct, and to superintend the repair and maintenance of all roads, and all bridges, culverts and crossings forming a part thereof, constructed and conveyed to the State by Boulevard corporations organized under the provisions of this Act. For the purpose of repairing and maintaining such roads, the said Superintendent of Highways shall have power and authority to employ men to work upon such roads and, by and with the approval of the Governor and the State Auditor, to purchase

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and provide such tools, implements, machinery, materials and supplies as shall be reasonably necessary for use in repairing and maintaining such roads. Such tools, implements, machinery, materials and supplies shall be the property of the State of Delaware and the said Superintendent of Highways shall have power and authority, by and with the approval of the Governor and the State Auditor, to provide suitable places and means for keeping and caring for all such tools, implements, machinery, materials and supplies. The said Superintendent of Highways shall also have power and authority to hire such teams as may be necessary for repairing and maintaining such roads.

Tools, implements, materials, etc., shall belong to State.

Shall provide suitable places.

All bills incurred on account of the repairing and maintaining of such roads shall be paid by the State Treasurer, out of any funds in the Treasury of this State not otherwise appropriated, upon warrants drawn by said Superintendent of Highways and countersigned by the Governor and the State Auditor, and having attached thereto, as vouchers, the respective bills for the payment of which said warrants are drawn, upon which said bills must appear the approval of the said Superintendent of Highways, the Governor and the State Auditor. Labor and the hire of teams shall be paid for by such warrants covering the total of itemized pay roll accounts, which pay roll accounts are to be attached to such warrants and approved as aforesaid. Upon the presentation to the State Treasurer of any such warrants, with such vouchers attached, the said State Treasurer shall file and safely keep all such warrants and vouchers and shall forthwith draw and deliver to the payee or payees mentioned in such warrants his check for the payment of the amounts due, respectively, out of the funds of the State. In the payment of pay roll accounts the State Treasurer shall draw checks in favor of the persons respectively shown on such pay roll accounts to be entitled to be paid and for such amounts, respectively, as said pay roll accounts show them to be entitled.

Shall be paid by the State Treasurer.

How paid.

Labor and hire of teams.

State Treasurer shall file.

Shall draw checks to persons entitled.



## GENERAL PROVISIONS RESPECTING CORPORATIONS.

Sup't of  
Highways  
shall make  
report.

At the beginning of each regular session of the General Assembly the said Superintendent of Highways shall present to the General Assembly a report showing in detail what has been done during the two years next preceding in the matter of repairing and maintaining such roads and showing the cost thereof. He shall also, as a part of such report, present to the General Assembly a detailed estimate of the cost of repairing and maintaining such roads for each of the two years next succeeding; together with the comments of the Governor and State Auditor upon such estimate, either approving or disapproving the same, with the reasons for disapproval. The General Assembly, after consideration of such estimate, shall make provision for the funds necessary for repairing and maintaining such roads for each of the two next succeeding years.

General As-  
sembly shall  
make provis-  
ion for  
funds.

Salary of  
Sup't of  
Highways.

The said Superintendent of Highways shall receive for his services a salary of Twenty-five Hundred Dollars (\$2500.00) per year, payable in equal quarterly instalments by the Treasurer of the State of Delaware out of any funds in his hands not otherwise appropriated.

In case the  
State fails  
or omits to  
repair.

Section 147. In case the State of Delaware should neglect, fail or omit to repair any portion of any such road, or any bridge, culvert or crossing forming a part thereof, constructed and conveyed to the State by any Boulevard corporation organized under the provisions of this Act, after the same shall have become in need of repairs and shall clearly be in worse condition than when completed and conveyed to the State, the Boulevard corporation which shall have constructed and conveyed such road to the State shall, after thirty days notice to the said Superintendent of Highways and a failure on the part of the State to make such repairs, have the right, power and authority to forthwith proceed to make such repairs as shall be necessary to restore said road, or any part thereof, to the same condition as when it was originally completed and conveyed to the State, and upon the presentation by said Boulevard corporation to the State

Boulevard  
Corporation  
may make  
repairs.

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Treasurer of an itemized bill covering the whole cost of making such repairs, with six per cent. interest thereon to date of presentation, approved as to correctness by the State Auditor, it shall be the duty of the State Treasurer forthwith to pay the amount of said bill unto said Boulevard corporation out of any funds in the Treasury of the State not otherwise specifically appropriated; and any such Boulevard corporation, having repaired such road in the manner and under the conditions aforesaid, shall have, and it is hereby given, the right, power and authority to institute, in any Court of competent jurisdiction, any appropriate legal or equitable action against the State, or any of the officers of the State, to compel the payment to it by the State of any amounts expended by it for such repairs, as aforesaid, with six per cent. interest, as aforesaid.

State  
Treasurer  
shall pay.

May institute legal  
action to  
compel payment.

Section 148. Articles of Association, in compliance with the provisions of Sections 143 and 144 of this Act as amended, shall not be filed and recorded in the office of the Secretary of State until at least \$500.00 of stock for every mile of Boulevard proposed to be made is subscribed and paid, in good faith and in cash, to the Directors named in said Articles of Association, nor until the Directors shall have deposited the said moneys so subscribed and paid to them with the State Treasurer, who is constituted the custodian of the same, and shall hold the same, subject to be repaid to the Directors of the said corporation, or to the Treasurer thereof, in sums of Five Hundred Dollars for each mile of the road for vehicular travel required to be constructed and conveyed to the State, as aforesaid, upon the construction of which it shall be certified, in the manner hereinafter set forth, that the said corporation has expended at least the sum of Five Hundred Dollars, nor until there is endorsed on such Articles of Association, or annexed thereto, an affidavit, made by at least three of the Directors named in said Articles of Association, that the amount of stock required by this Section has been, in good faith, subscribed and paid in cash, as aforesaid, and that it is intended, in good faith, to con-

Articles of  
Association  
shall not be  
filed until  
certain conditions are  
complied  
with.

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struct, build and convey to the State the road for vehicular travel required by this Act to be constructed, built and conveyed to the State by Boulevard corporations organized under the provisions of this Act, and that such road shall extend throughout the length of the Boulevard mentioned in such Articles of Association, which affidavit shall be recorded with the Articles of Association, as aforesaid.

Who shall constitute the Commission.

Section 149. The Governor, Lieutenant Governor and the Secretary of State shall constitute a Commission to determine the width, within the limits of twelve feet and eighteen feet, that the anticipated travel for any portion of said road for vehicular travel shall require.

What the Commission shall determine.

The said Commission shall also determine what road-building materials shall be most available and accessible and most suited to conditions as they exist at various points along the said road, and in determining the matter of road-building materials the said Commission shall have the right to obtain the opinions of competent road engineers and to pay for such opinions by warrants drawn upon the Treasurer of this State, which said warrants shall be paid by the Treasurer of this State out of any funds in the Treasury of this State not otherwise appropriated.

Shall determine character of bridges, culverts, etc.

The said Commission shall also determine the character of bridges, culverts and crossings wherever the same are necessary to be constructed.

Commission shall determine widths, road-building materials, etc.

Any Boulevard corporation organized under the provisions of this Act, in the building of the road for vehicular travel by this Act required, shall conform to the widths, for the various portions thereof, determined by said Commission; and in the construction of said road shall use such road-building materials for the various portions thereof as shall have been determined by such Commission; and also shall construct bridges, culverts and crossings of such character as shall have been approved by such Commission.

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Upon the completion of each mile of said road for vehicular travel by any such Boulevard corporation organized under the provisions of this Act, of the width and of the material determined by said Commission, upon which such mile at least Five Hundred Dollars shall have been expended, the said Commission shall, at the request of said corporation, certify to the State Treasurer the fact that the said corporation has expended at least the sum of Five Hundred Dollars upon each mile of said road thus completed, as aforesaid, and shall also certify the number of miles of said road thus completed, as aforesaid.

Commission  
shall certify  
to State  
Treasurer.

The said Commission shall act by a majority thereof.

Majority  
shall act.

The Lieutenant Governor shall be compensated for his services performed as a member of said Commission in the same manner and to the same extent as he is compensated by law for his services performed as the Presiding Officer of the Senate.

Compensa-  
tion of Lieut.  
Governor.

Section 150. The Directors named in said Articles of Association may, when such Articles of Association and affidavit are filed and recorded in the office of the Secretary of State, in case the whole of the capital stock is not before subscribed, continue to receive subscriptions until the whole capital stock is subscribed; at the time of subscribing every subscriber shall pay to the Directors ten per centum on the amount subscribed by him, in money, and no subscription shall be received or taken without such payment.

Shall receive  
subscription  
until capital  
stock is sub-  
scribed.

Shall pay ten  
per cent. of  
amount  
subscribed.

Section 151. There shall be a Board of not less than five Directors of every corporation formed under this Act for the purpose of locating, building, constructing, maintaining and operating a Boulevard, to manage its affairs. Said Directors shall be chosen annually in the same manner that is provided for the choosing of Directors for railroads as provided in Section 78 of this Act, as amended, and the inspectors to hold the first election shall be appointed by the Board of Directors named in the Articles of Association; no

Board of  
Directors.

Directors  
chosen an-  
nually.

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Director shall be a stockholder. person shall be a Director unless he shall be a stockholder owning stock absolutely in his own right, and qualified to vote at the election at which he shall be chosen; at every election of Directors the books and papers of such company shall be exhibited to the meeting and subject to the inspection of those present, provided a majority of the stockholders present shall require it.

Books and papers may be open to inspection.

When the Directors shall organize.

Section 152. Within thirty days after the Articles of Association are filed in the office of the Secretary of State, the Directors therein named shall organize by the election of one of their number President; they may also elect a Treasurer and Secretary and adopt such by-laws as may appear to be proper and right for the government of the corporation.

Election of officers.

Stock transferable

Section 153. The stock of every corporation formed under this Act shall be deemed personal estate and be transferable in the manner prescribed by the by-laws of the corporation, but no share shall be transferable until all previous calls thereon shall have been paid.

Where agreement cannot be made, condemnation proceedings may be had.

Section 154. Whenever any corporation organized under this Act, for locating, building, constructing, maintaining and operating a Boulevard, cannot agree with the owner or owners of any land, building, sand, earth, gravel or other materials necessary to be taken and used in the construction of the said Boulevard, for the purchase thereof, the said corporation may proceed for the condemnation thereof in the manner provided for in Section 81 of this Act as amended, in relation to railroads; and, for the purpose of locating, building and constructing the portion of said Boulevard devoted to the said road for vehicular travel, any such corporation, whenever it cannot agree with the owner or owners of, proprietor or proprietors of, or any agency, governmental or otherwise, having control of, any road, bridge or other structure necessary to be taken or used in the location and construction of said road for vehicular travel, for the use thereof, may proceed in like manner for the condemnation there-

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of; and when the damages ascertained therefor in the manner provided in said Section 81 shall have been paid or deposited in the proper bank as therein provided, the corporation shall become entitled to have, hold, use and enjoy the said lands, materials, or other things above mentioned, for the purposes by it required, forever.

Damages ascertained and paid.

Section 155. Any Boulevard located, built and constructed under the provisions of this Act shall not exceed two hundred feet in width, and it shall be lawful for any Boulevard corporation organized under the provisions of this Act, its agents, engineers, superintendents, or others in its employ, to enter at all times upon all lands or waters for the purpose of exploring, surveying, leveling and laying out the route or routes of the Boulevard contemplated by such corporation, and of locating the same, and all necessary works, buildings, conveniences, appurtenances and appendages thereof, doing no unnecessary injury to private or other property; and when the route or routes of such Boulevard and the location or locations of all other work, buildings, conveniences, appurtenances and appendages thereof shall have been determined upon and a survey or surveys of any such route or routes, location or locations, deposited in the office of the Secretary of State, then it shall be lawful for every such corporation formed under this Act, upon payment or tender of such compensation as hereinbefore provided, by its officers, agents, engineers, superintendents, workmen and other persons in their employ, to build, construct, maintain and operate a Boulevard at and between the places named in the Articles of Association; provided, however, that it shall not be necessary for said corporation to determine upon the entire length of the route or routes of such Boulevard or to deposit in the office of the Secretary of State a survey or surveys of the entire route or routes, location or locations, thereof, at one and the same time, as a condition precedent to the building, constructing, maintaining and operating of any part of said Boulevard, but it shall be lawful for such corporation, so organized as aforesaid, to de-

Shall not exceed two hundred feet in width.

Right of entry.

When it shall be lawful to build.

Shall not be required to deposit entire survey at once.

## GENERAL PROVISIONS RESPECTING CORPORATIONS.

May deposit sections.

Shall form one continuous Boulevard.

Shall be submitted to the Commission.

Approval of Commission.

Payment of damages, or tender of made before entry.

termine upon and deposit in said office surveys of sections or portions of the route or routes of such Boulevard not less than ten miles in length, and upon determining upon and depositing a survey of any one or more of such sections of said Boulevard, and upon payment or tender of such compensation as hereinbefore provided, it shall be lawful for every such corporation, by its officers, agents, engineers, superintendents, workmen and other persons in their employ, to build, construct, maintain and operate such section or sections of said Boulevard, the route of which shall have been determined as aforesaid and a survey of which route shall have been filed as aforesaid; provided further, however, that all such sections of said Boulevard when completed shall form one continuous Boulevard within the meaning of this Act; and provided further however, that no route or routes for such Boulevard, or for any such section thereof, can be finally determined upon by any such Boulevard corporation until such route has been submitted to the Commission created by Section 149 hereof for the approval of said Commission and no survey of any such route, or routes, or section thereof, shall be deposited in the office of the Secretary of State, as aforesaid, unless such survey bears endorsed thereon the approval of said Commission. And it shall be lawful for any such corporation to do all other things which may be suitable for the completion, repair or management of said Boulevard, or any part thereof, or any of the franchises appurtenant and belonging thereto, subject to the provision in this Act contained that the portion of said Boulevard devoted to the road for vehicular travel shall, after its conveyance to the State of Delaware, be repaired, maintained and managed by the State in the manner and subject to the provisions of this Act; provided, always that the payment or tender of payment of damages for the occupancy of all lands through, under or upon which the said Boulevard and its conveniences, appurtenances and appendages may be laid out or located, be made before the said corporation, or any person under its direction or employ, shall enter upon or

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break ground in the premises, except for the purpose of surveying and laying out said Boulevard and its conveniences, appurtenances and appendages and of locating the same, unless the consent of the owner or owners of such lands be first had and obtained.

Except for purpose of surveying, etc.

Section 156. Every Boulevard corporation organized under the provisions of this Act, in the location, building and constructing of its Boulevard, for the purpose of locating, building and constructing the road for vehicular travel required to be built by it and to be conveyed to the State of Delaware, as a part of such road, shall have, and it is hereby granted, the right to use and widen existing roads when desirable, the right to use existing bridges, the right to cross railroads, railways, streams and other existing roads in such manner as shall be reasonably safe and practicable, the safety and practicability of such crossings to be determined by the Commission created by Section 149 hereof. Any such Boulevard corporation, in the building and constructing of the road for vehicular travel required by it to be built and constructed and conveyed to the State, shall have the right to cross any canal, navigable stream or water-course between the terminii of said road, but where such crossing is other than by an existing bridge it shall be in such manner as not unnecessarily to impede the navigation and use of such canal, navigable stream or water-course. Where the said road for vehicular travel crosses any railway or railroad intervening between its terminii, the Boulevard corporation building and constructing such road shall have power to acquire the necessary easement for such crossing, either by agreement with the corporation owner thereof or, on failure to agree, by condemnation proceedings in the manner prescribed by Section 81 of this Act as amended.

Right to widen existing roads, use bridges, etc.

Right to cross any canal, stream or water course.

Where road crosses railway or railroad.

Section 157. Any Boulevard corporation created under the provisions of this Act shall commence the surveys of its Boulevard within two months from the date of its organization and shall complete the whole of the said road for vehicu-

Shall begin within two months.



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Shall complete road within six years.

Shall forfeit for failure to comply.

Where corporation may be prevented from prosecuting work.

Authority to construct a railway.

May construct as many sets of tracks as desirable.

May be operated over a part or the whole.

lar travel required to be built and constructed by it within six years from the date of its organization; provided that, if any such corporation shall fail to comply with the provisions of this Section, it shall thereby forfeit the franchises given it by this Act and shall also forfeit all or any portion remaining of the money deposited by it with the State Treasurer under the provisions of Section 148 of this Act; provided further, however, that if any such corporation shall be restrained, prevented or enjoined by any proceedings whatever at law or in equity from prosecuting the work of building and constructing said road, the time during which any such corporation shall be so restrained, prevented or enjoined shall not be taken or computed as any part of the time allowed and limited in this Section for the building and completing of said road.

Section 158. Every Boulevard corporation organized under the provisions of this Act shall have the right, power and authority at any time to construct, maintain and operate, upon that portion of the strip of land acquired by it for the purposes of its Boulevard, not devoted to the said road for vehicular travel, a railway for the transportation of freight and passengers, the carriages, coaches and cars of which to be moved or propelled by electricity, by cable or motor or by any improved motive power other than steam. Such railway may be operated under any name that may be desirable. In the construction, maintenance and operation of such railway, any such corporation may construct, maintain and operate as many sets of tracks and rails as may be desirable, together with such sidetracks, turn-outs, offices, stations and depots as may be deemed necessary. Any such railway, with its accessories, appurtenances and appendages, may be constructed, maintained and operated upon, over and along either a part of the length of the Boulevard (or strip of land, as aforesaid) or over the whole length thereof.

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Every such Boulevard corporation shall have the same right, power and authority to construct, maintain and operate branches of its railway which is conferred upon railway corporations organized under the provisions of this Act by Section 114 of this Act, and upon the same terms, conditions, restrictions and limitations as are imposed by said Section 114 with respect to the construction, maintenance and operation of branches by railway corporations.

Shall have same powers as a railway corporation.

Every such Boulevard corporation shall have the same right, power and authority, to straighten, widen or otherwise improve the whole or portions of its line or lines of railway, granted to railway corporations organized under this Act by Section 114 of this Act.

Power to straighten, widen and improve.

Every Boulevard corporation organized under the provisions of this Act which shall construct a railway by virtue of the power and franchise granted to it by this Act shall, in the construction, maintenance and operation of such railway, be governed by and subject to all the provisions of Sections 115 and 116 of this Act relating specifically to railways constructed, maintained and operated by railway corporations organized under the provisions of this Act, in so far as the provisions of said Sections may be applicable.

Shall be subject to Sections 115 and 116.

Section 159. Every Boulevard corporation organized under the provisions of this Act which shall construct, maintain and operate a railway shall cause signal boards, well supported by posts, or otherwise, at such heights as to be easily seen by travelers, and not obstructing travel, containing on each side in capital letters, at least five inches high, the following inscription,—“RAILWAY CROSSING,” to be placed and constantly maintained at any public highway which is crossed by the railway at the same level; and any such Boulevard corporation failing to comply with or violating or permitting any of its employes or agents to violate any of the provisions of this Section shall, in addition to subjecting itself to any damage that may be caused by such failure or violation, be guilty of a misdemeanor and upon con-

Shall cause signal boards to be placed.

Penalty for violation of Section.

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viction thereof be fined for each failure or violation not less than One Hundred nor more than Five Hundred Dollars.

May erect  
telegraph  
and tele-  
phone lines.

Section 160. It shall be lawful for any Boulevard corporation organized under the provisions of this Act which shall construct, maintain and operate a railway upon its Boulevard to erect, establish and maintain upon said Boulevard a special line or lines of telegraph or telephone as a part of and for the use of its said railway.

May estab-  
lish plants,  
factories,  
etc., for  
steam, heat,  
electricity,  
etc.

Section 161. Every Boulevard corporation organized under the provisions of this Act shall, in addition to the powers conferred upon corporations generally and in addition to the other powers specifically conferred by this Act upon Boulevard corporations, have full power and authority to erect, construct, establish, maintain and operate upon any land purchased or otherwise acquired by it outside the strip of land constituting its Boulevard, plants, factories or other agencies, for the manufacture, production, pumping, storage, sale, distribution and delivery of steam, heat, power, electricity and electric current of every kind, gas of any kind, water, oil, and telegraph or telephone messages, or any of them, or any other useful article; and shall also have full power and authority at any time to use any portion of its Boulevard not devoted to the road for vehicular travel for the purpose of distributing or transporting such steam, heat, power, electricity and electric current of every kind, gas of any kind, water, oil, and telegraph or telephone messages, or any of them, or any other useful article, by means of pipes, mains, tubes, conduits, wires or cables, or any or all of them, laid beneath the surface of its Boulevard, or by means of posts, poles or standards, and the necessary wires, cables and fixtures, erected and constructed above the surface of its Boulevard; and every such Boulevard corporation shall also have full power and authority to construct, maintain and operate upon or under the surface of said portion of its said Boulevard the necessary sub-stations, transformers or other agencies needful and proper for such distribution of steam,

May dis-  
tribute by  
pipes, wires,  
posts, or  
otherwise

## GENERAL PROVISIONS RESPECTING CORPORATIONS.

heat, power, electricity and electric current of every kind, gas of any kind, water, oil, and telegraph or telephone messages, or any of them, or any other useful article, as aforesaid: Provided, however, that no wire erected for any of the purposes mentioned and referred to in this Section crossing a railroad or railway shall be at a less elevation than twenty-three feet; and that no such wire crossing any public road of this State shall be at a less elevation than twenty feet; and provided, further, however, that any pipes, mains, tubes, conduits, wires or cables laid beneath the surface and passing under any public road or highway of this State shall be laid at least three feet below the surface of the same and shall be so laid as not in any wise to unnecessarily obstruct or interfere with public travel; and provided further, that every Boulevard corporation organized under the provisions of this Act, upon laying any such pipes, mains, tubes, conduits, wires or cables under any such public road or highway shall be required immediately to restore any such public road or highway to its original condition and to so maintain the same for six months after the laying of any such pipes, mains, tubes, conduits, wires or cables, and in case any such Boulevard corporation should fail to so restore or to so maintain any such public road or highway, any public authority having jurisdiction over such road or highway may proceed to so restore and maintain the same and shall be, and is hereby, authorized to recover the cost thereof from any such Boulevard corporation, so failing as aforesaid, in any Court of competent jurisdiction; and provided further, however, that any and all such pipes, mains, tubes and conduits, poles, posts, standards, wires and cables, or any of them, that may be laid, erected or constructed by any such Boulevard corporation shall be so laid, erected, constructed and maintained as not unnecessarily to damage public or private property; and provided further, however, that in crossing any river, rivulet, or other stream with any such pipes, mains, tubes, conduits, wires or cables, every such Boulevard corporation shall be required to so lay or suspend all such pipes, mains,

Elevation not less than twenty-three feet.

Not less than twenty feet.

Shall be laid at least three feet below surface.

Shall upon laying pipes, etc., restore the road.

Failure to restore.

Shall be laid as not to damage property.

Shall not interfere with navigation.

## GENERAL PROVISIONS RESPECTING CORPORATIONS.

tubes, conduits, wires or cables as not to interfere with the navigation or other lawful use of any such river, rivulet or stream.

May grant  
or lease to  
another cor-  
poration.

Section 162. Every Boulevard corporation organized under the provisions of this Act shall have full power and authority to grant, lease or otherwise dispose of to any other corporation or corporations any one or more of the franchises granted to it by the provisions of this Act and such other corporation or corporations, being such grantee or lessee, shall have the same power and authority with respect to the franchise or franchises granted or leased to it or them which by this Act are granted to such Boulevard corporations.

Shall have  
same power.

May consoli-  
date with  
other rail-  
ways.

Section 163. It shall be lawful for any Boulevard corporation organized under the provisions of this Act, or for any corporation to which such Boulevard corporation shall have granted or leased its franchise to construct, maintain and operate a railway, to consolidate with any other railway incorporated under the laws of this State, or any other State, or of the United States, in the manner and upon the conditions prescribed by and subject to the provisions of Section 123 of this Act.

May consoli-  
date with  
other like  
corporations.

Section 164. It shall also be lawful for any Boulevard corporation organized under the provisions of this Act, or for any corporation to which such Boulevard corporation shall have granted or leased its franchise to construct, maintain and operate a telegraph line, or a telephone line, or a line for the transmission of electricity and electric current, or a pipe line for the distribution or transportation of oil, or a pipe line for the distribution or transportation of water, or a line for the distribution of steam, or heat, or power, or any other useful article, to consolidate with any other corporation or corporations organized under the laws of this State, or any other State, or of the United States, engaged in the same business as that desired to be consolidated with it, whenever the telegraph, telephone, or electrical transmis-

## GENERAL PROVISIONS RESPECTING CORPORATIONS.

sion line or lines, or the pipe line or lines of any character, desired to be consolidated, within or without this State, shall connect or form a continuous line or continuous lines with that or those of said Boulevard corporation, or any grantee or lessee thereof, so consolidated. Such consolidation shall be made in the manner and by the proceedings in this Act prescribed; and the corporation created thereby shall be possessed of, exercise and enjoy all the rights, powers and privileges which this Act confers upon consolidated corporations, and it shall likewise be possessed of, exercise and enjoy all the franchises, rights, powers, privileges, immunities and benefits which any corporation of this State, constituent thereof, shall be possessed of or entitled to exercise under its charter or any law of this State; and shall be subject, within this State, to the conditions and restrictions imposed by its charter on any corporation of this State, constituent thereof.

Section 165. Any person who wilfully or maliciously obstructs any such Boulevard corporation, or any grantee or lessee thereof, in the legal use of its railway tracks, or delays the passing of the cars or railway carriages thereon, or aids or abets such detention or delay, or who wilfully or maliciously obstructs any such Boulevard corporation, or any grantee or lessee thereof, in the legal use of any of the other franchises hereby granted to Boulevard corporations organized under the provisions of this Act, or who shall wilfully or maliciously interfere with the operation of any such franchises, or aids or abets therein, shall be punished by a fine not exceeding Fifty Dollars, to be recovered by the party injured in any Court having competent jurisdiction in an action of debt; and further shall be liable for all damages sustained.

Fine imposed for wilful obstruction.

Section 166. Any Boulevard corporation organized under the provisions of this Act shall have power to borrow such sums of money, from time to time, not exceeding in the aggregate double the amount of its full paid capital stock, as shall be necessary to build, construct or repair any railway

Power to borrow money.

## GENERAL PROVISIONS RESPECTING CORPORATIONS.

May issue  
bonds.

Penalty for  
misdemeanor.

which it may desire to construct, maintain and operate under the franchise to it granted by this Act, and as shall be necessary to furnish all needful cars and equipment for the use and objects of such railway and to secure the repayment thereof by the execution, negotiation or sale of any bond or bonds secured by mortgage on any part of said Boulevard not devoted to the said road for vehicular travel and on any privileges, franchises and appurtenances of and belonging to said Boulevard corporation, exclusive always of the said portion of said Boulevard devoted to the road for vehicular travel, provided that said corporation shall not plead any statute or statutes against usury in any Court of law or equity, in any suit instituted to enforce the payment of any bond or mortgage executed under the provisions of this Section; and provided further that said bonds and mortgages shall constitute a first lien on the railway, its cars and franchises, and the proceeds of such bonds shall be used for the purpose of aiding in the construction and operation of said railway; and provided further, that if any person or persons shall issue such bonds to any greater amount than double the amount, at the time of such issue, that shall have been actually paid up on the capital stock of such corporation he, she or they shall be guilty of a misdemeanor and shall be punished by a fine of not less than Two Thousand Dollars or by imprisonment for not more than three years, or both, at the discretion of the Court.

May borrow  
money.

May issue  
bonds.

Any Boulevard corporation organized under the provisions of this Act shall also have power to borrow such sums of money, from time to time, not exceeding in the aggregate double the amount of its full paid capital stock, as shall be necessary to establish, build, construct, equip or repair any one or more of the other public utilities for which it is by this Act granted a franchise or franchises, and to secure the payment thereof by the execution, negotiation or sale of any bond or bonds, secured by a mortgage on any part of said Boulevard not devoted to the said road for vehicular travel and on any privileges, franchises and appurtenances of and

## GENERAL PROVISIONS RESPECTING CORPORATIONS.

belonging to said Boulevard corporation, exclusive always of the said portion of said Boulevard devoted to the road for vehicular travel, provided that said corporation shall not plead any statute or statutes against usury in any Court of law or equity, in any suit instituted to enforce the payment of any bonds or mortgages executed under the provisions of this Section; and provided further that said bonds and mortgages shall constitute a first lien on the public utility or utilities to establish, build, construct, equip or repair which such money is borrowed, as aforesaid, and the equipment, appurtenances and appendages thereof and the franchise or franchises therefor, and the proceeds of said bonds shall be used for the purpose of aiding in the establishment, construction and operation of such public utility or utilities; and provided further that if any person or persons shall issue such bonds to any greater amount than double the amount, at the time of such issue, that shall have been actually paid upon the capital stock of such Boulevard corporation he, she, or they shall be guilty of a misdemeanor and shall be punished by a fine of not less than Two Thousand Dollars or by imprisonment for not more than three years, or by both, at the discretion of the Court.

Fine and imprisonment.

Section 167. Every Boulevard corporation organized under the provisions of this Act shall also have full power and authority to use that portion of its Boulevard, or strip of land, not devoted to the road for vehicular travel, for any other purpose that may be desired, provided such purpose is not unlawful and is not such a purpose as requires a specific franchise, or specific authority, legislative or otherwise, to enable the same to be lawfully effectuated, and is not necessarily detrimental to the use of the said road for vehicular travel.

May use portion or strip of land for other purposes.

Section 168. All that part of the strip of land constituting any such Boulevard not devoted to the road for vehicular travel and belonging to any Boulevard corporation organized under the provisions of this Act shall be wholly exempt

Exempt from taxation.



## GENERAL PROVISIONS RESPECTING CORPORATIONS.

Period of  
exemption.

from taxation by any municipality or county of this State or by the State itself until the same, or some part thereof, shall be used for any one or more of the public utilities for which a franchise is by this Act granted to Boulevard corporations created under the provisions of this Act or until the same, or some part thereof, shall be devoted to some other utilitarian purpose; provided, however, that such exemption from taxation shall in no event extend beyond the period of fifty years from the date of filing the Articles of Association of any such Boulevard corporation. Whenever such portion of said Boulevard shall be used for any of the said public utilities, the Boulevard corporation, or any corporation grantee or lessee thereof so using the same, shall be liable for the payment of such taxes as shall be by law collectible from a corporation maintaining and operating such public utility.

Shall keep  
free from  
unsightly  
growths.

Every Boulevard corporation organized under the provisions of this Act shall keep said last mentioned portion of any such Boulevard approximately as free from unsightly growths as the land adjacent thereto.

Exempt  
from tax.

The portion of any such Boulevard devoted to the road for vehicular travel shall be wholly exempt from taxation by any municipality or county of this State or by the State itself.

Fees of Sec-  
retary of  
State.

Section 169. Every Boulevard corporation organized under the provisions of this Act shall be required, upon filing its Articles of Association, to pay to the Secretary of State the fees provided for corporations generally by Section 129 of this Act.

Section 2. That all Acts or parts of Acts inconsistent with this Act be, and the same are, hereby repealed.

Approved March 31, A. D. 1911.

## GENERAL PROVISIONS RESPECTING CORPORATIONS.

## CHAPTER 190.

## GENERAL PROVISIONS RESPECTING CORPORATIONS.

AN ACT restricting the use of the word "Trust" as part of the name of any corporation now existing or hereafter created under the Laws of Delaware, and providing a penalty for the violation thereof.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Section 1. That every corporation now existing or hereafter created under the Laws of Delaware, using the word "Trust" as part of its name, shall be under the supervision of the Insurance Commissioner of the State and shall make not less than two reports during each year to the said Insurance Commissioner, according to the form which shall be prescribed by him, verified by the oaths or affirmations of the President or Vice-President, and the Treasurer or Secretary of such corporation, and attested by the signatures of at least three directors; provided that corporations now existing shall not be required to make such reports until after the first day of June, A. D. 1911.

Corporation using word "Trust" to be under supervision of Insurance Commissioner.

Shall make two reports each year.

Section 2. That no corporation now existing or hereafter created under the Laws of Delaware shall use the word "Trust" as part of its name, except corporations reporting to and under the supervision of the Insurance Commissioner of the State; nor shall the name of any corporation now existing be amended so as to include the word "Trust" unless such corporation shall report to and be under the supervision of the Insurance Commissioner of the State.

Shall report to Insurance Commissioner.

Section 3. That no person, firm, association of persons, or corporation now existing or hereafter created under the Laws of Delaware, except only corporations reporting to and under the supervision of the Insurance Commissioner of the State, shall advertise or put forth any sign as a Trust

Who shall not use the word "Trust."

## GENERAL PROVISIONS RESPECTING CORPORATIONS.

Penalty for  
violation.  
Proviso.

Company, or in any way solicit or receive deposits or transact business as a Trust Company, or use the word "Trust," as a part of his, their, or its name; and any violation hereof shall constitute a misdemeanor and on conviction thereof the offender shall be fined in a sum not exceeding Five Hundred Dollars for each offence; provided, that nothing herein contained shall be construed to prevent any individual, as such, from acting in any trust capacity, as now allowed by Law.

Section 4. That all Acts or parts of Acts inconsistent herewith be and the same are hereby repealed.

Section 5. That this Act shall take effect from and after the date of its passage.

Approved March 31, A. D. 1911.

OF NEGOTIABLE INSTRUMENTS.

CHAPTER 191.

OF NEGOTIABLE INSTRUMENTS.

AN ACT to make uniform the law of negotiable instruments.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :*

TITLE 1.

Negotiable Instruments in General.

ARTICLE 1.

Form and Interpretation.

Section 1. An instrument to be negotiable must conform to the following requirements:

*Requirements for negotiable instruments.*

(1) It must be in writing and signed by the maker or drawer;

(2) Must contain an unconditional promise or order to pay a sum certain in money;

(3) Must be payable on demand, or at a fixed or determinable future time;

(4) Must be payable to order or to bearer; and

(5) Where the instrument is addressed to a drawee, he must be named or otherwise indicated therein with reasonable certainty.

Section 2. The sum payable is a sum certain within the meaning of this act, although it is to be paid:

*Sum payable is a sum certain.*

(1) With interest; or

(2) By stated instalments; or

## OF NEGOTIABLE INSTRUMENTS.

(3) By stated instalments, with a provision that upon default in payment of any instalment or of interest, the whole shall become due; or

(4) With exchange, whether at a fixed rate or at the current rate; or

(5) With costs of collection or an attorney's fee, in case payment shall not be made at maturity.

Unqualified  
order or  
promise is  
uncondi-  
tional.

Section 3. An unqualified order or promise to pay is unconditional within the meaning of this act, though coupled with:

(1) An indication of a particular fund out of which reimbursement is to be made, or a particular account to be debited with the amount; or

(2) A statement of the transaction which gives rise to the instrument. But an order or promise to pay out of a particular \*fund is not unconditional.

Section 4. An instrument is payable at a determinable future time, within the meaning of this act, which is expressed to be payable:

(1) At a fixed period after date or sight; or

(2) On or before a fixed or determinable future time specified therein; or

(3) On or at a fixed period after the occurrence of a specified event, which is certain to happen, though the time of happening be uncertain.

An instrument payable upon a contingency is not negotiable, and the happening of the event does not cure the defect.

Not nego-  
tiable.

Section 5. An instrument which contains an order or promise to do any act in addition to the payment of money is

\*So enrolled.

## OF NEGOTIABLE INSTRUMENTS.

not negotiable. But the negotiable character of an instrument otherwise negotiable is not affected by a provision which:

(1) Authorizes the sale of collateral securities in case the instrument be not paid at maturity; or

(2) Authorizes a confession of judgment if the instrument be not paid at maturity; or

(3) Waives the benefit of any law intended for the advantage or protection of the obligor; or

(4) Gives the holder an election to require something to be done in lieu of payment of money.

But nothing in this section shall validate any provision or stipulation otherwise illegal.

Section 6. The validity and negotiable character of an instrument are not affected by the fact that:

Validity  
and nego-  
table char-  
acter.

(1) It is not dated; or

(2) Does not specify the value given, or that any value has been given therefor; or

(3) Does not specify the place where it is drawn or the place where it is payable; or

(4) Bears a seal; or

(5) Designates a particular kind of current money in which payment is to be made.

But nothing in this section shall alter or repeal any statute requiring in certain cases the nature of the consideration to be stated in the instrument.

Section 7. An instrument is payable on demand:

Payable on  
demand.

(1) Where it is expressed to be payable on demand, or at sight, or on presentation; or

(2) In which no time for payment is expressed.

## OF NEGOTIABLE INSTRUMENTS.

Where an instrument is issued, accepted, or indorsed when overdue, it is, as regards the person so issuing, accepting, or indorsing it, payable on demand.

Payable to order.

Section 8. The instrument is payable to order where it is drawn payable to the order of a specified person or to him or his order. It may be drawn payable to the order of:

- (1) A payee who is not maker, drawer, or drawee; or
- (2) The drawer or maker; or
- (3) The drawee; or
- (4) Two or more payees jointly; or
- (5) One or some of several payees; or
- (6) The holder of an office for the time being.

Where the instrument is payable to order the payee must be named or otherwise indicated therein with reasonable certainty.

Payable to bearer.

Section 9. The instrument is payable to bearer:

- (1) When it is expressed to be so payable; or
- (2) When it is payable to a person named therein or bearer; or
- (3) When it is payable to the order of a fictitious or non-existing person, and such fact was known to the person making it so payable; or
- (4) When the name of the payee does not purport to be the name of any person; or
- (5) When the only or last indorsement is an indorsement in blank.

Terms are sufficient which indicate clearly.

Section 10. The instrument need not follow the language of this act, but any terms are sufficient which clearly indicate an intention to conform to the requirements hereof.

## OF NEGOTIABLE INSTRUMENTS.

Section 11. Where the instrument or an acceptance or any indorsement thereon is dated, such date is deemed prima facia to be the true date of the making, drawing, acceptance, or indorsement as the case may be.

True date  
of making,  
etc.

Section 12. The instrument is not invalid for the reason that it antedated or post-dated, provided this is not done for an illegal or fraudulent purpose. The person to whom an instrument so dated is delivered acquires the title thereto as of the date of delivery.

Not invalid  
if antedated.

Section 13. Where an instrument expressed to be payable at a fixed period after date is issued undated, or where the acceptance of an instrument payable at a fixed period after sight is undated, any holder may insert therein the true date of issue or acceptance, and the instrument shall be payable accordingly. The insertion of a wrong date does not avoid the instrument in the hands of a subsequent holder in due course; but as to him, the date so inserted is to be regarded as the true date.

Where there  
is no date.

Insertion of  
a wrong  
date.

Section 14. Where the instrument is wanting in any material particular, the person in possession thereof has a prima facia authority to complete it by filling up the blanks therein. And a signature on a blank paper delivered by the person making the signature in order that the paper may be converted into a negotiable instrument operates as a prima facia authority to fill it up as such for any amount. In order, however, that any such instrument when completed may be enforced any person who became a party thereto prior to its completion, it must be filled up strictly in accordance with the authority given and within a reasonable time. But if any such instrument, after completion, is negotiated to a holder in due course, it is valid and effectual for all purposes in his hands, and he may enforce it as if it has been filled up strictly in accordance with the authority given and within a reasonable time.

Where in-  
strument is  
wanting in  
any particu-  
lar.

Signature  
in blank.

Within a  
reasonable  
time.

Valid and  
effectual.



## OF NEGOTIABLE INSTRUMENTS.

Will not be valid.

Section 15. Where an incomplete instrument has not been delivered it will not, if completed and negotiated, without authority, be a valid contract in the hands of any holder, as against any person whose signature was placed thereon before delivery.

Incomplete until delivery.

Section 16. Every contract on a negotiable instrument is incomplete and revocable until delivery of the instrument for the purpose of giving effect thereto. As between immediate parties, and as regards a remote party other than a holder in due course, the delivery, in order to be effectual, must be made either by or under the authority of the party making, drawing, accepting or indorsing, as the case may be; and in such case the delivery may be shown to have been conditional, or for a special purpose only, and not for the purpose of transferring the property in the instrument. But where the instrument is in the hands of a holder in due course, a valid delivery thereof by all parties prior to him so as to make them liable to him is conclusively presumed. And where the instrument is no longer in the possession of a party whose signature appears thereon, a valid and intentional delivery by him is presumed until the contrary is proved.

How delivery must be made.

Delivery presumed.

Where the language is ambiguous.

Section 17. Where the language of the instrument is ambiguous or there are omissions therein, the following rules of construction apply:

(1) Where the sum payable is expressed in words and also in figures and there is a discrepancy between the two, the sum denoted by the words is the sum payable; but if the words are ambiguous or uncertain, reference may be had to the figures to fix the amount;

(2) Where the instrument provides for the payment of interest, without specifying the date from which interest is to run, the interest runs from the date of the instrument, and if the instrument, and if the instrument is undated, from the issue thereof;

## OF NEGOTIABLE INSTRUMENTS.

(3) Where the instrument is not dated, it will be considered to be dated as of the time it was issued;

(4) Where there is a conflict between the written and printed provisions of the instrument, the written provisions prevail;

(5) Where the instrument is so ambiguous that there is doubt whether it is a bill or not, the holder may treat it as either at his election;

(6) Where a signature is so placed upon the instrument that it is not clear in what capacity the person making the same intended to sign, he is to be deemed an indorser;

(7) Where an instrument containing the word "I promise to pay" is signed by two or more persons, they are deemed to be jointly and severally liable thereon. Jointly and severally liable.

Section 18. No person is liable on the instrument whose signature does not appear thereon, except as herein otherwise expressly provided. But one who signs in a trade or assumed name will be liable to the same extent as if he had signed in his own name. May be liable.

Section 19. The signature of any party may be made by a duly authorized agent. No particular form of appointment is necessary for this purpose; and the authority of the agent may be established as in other cases of agency. Signature may be made by an agent.

Section 20. Where the instrument contains or a person adds to his signature words indicating that he signs for or on behalf of a principal, or in a representative capacity, he is not liable on the instrument if he was duly authorized; but the mere addition of words describing him as an agent, or as filling a representative character, without disclosing his principal, does not exempt him from personal liability. Person not liable who signs for another. Must disclose name of principal.

Section 21. A signature by "procurator" operates as notice that the agent has but a limited authority to sign, and the principal is bound only in case the agent in so signing acted within the actual limits of his authority. Signature by "procurator."

## OF NEGOTIABLE INSTRUMENTS.

Indorsement  
or assign-  
ment by cor-  
poration,  
or an infant.

Section 22. The indorsement or assignment of the instrument by a corporation or by an infant passes the property therein, notwithstanding that from want of capacity the corporation or infant may incur no liability thereon.

In case of  
a forged  
signature.

Section 23. When a signature is forged or made without authority of the person whose signature it purports to be, it is wholly inoperative, and no right to retain the instrument, or to give a discharge therefor, or to enforce payment thereof against any party thereto, can be acquired through or under such signature, unless the party, against whom it is sought to enforce such right, is precluded from setting up the forgery or want of authority.

## ARTICLE 2.

## Consideration.

Deemed to  
be good and  
valid.

Section 24. Every negotiable instrument is deemed prima facie to have been issued for a valuable consideration; and every person whose signature appears thereon to have become a party thereto for value.

What is  
value.

Section 25. Value is any consideration sufficient to support a simple contract. An antecedent or pre-existing debt constitutes value; and is deemed such whether the instrument is payable on demand or at a future time.

Where value  
has been  
given.

Section 26. Where value has at any time been given for the instrument, the holder is deemed a holder for value in respect to all parties who became such prior to that time.

In case of  
a lien

Section 27. Where the holder has a lien on the instrument, arising either from contract or by implication of law, he is deemed a holder for value to the extent of his lien.

Absence or  
failure of  
considera-  
tion.

Section 28. Absence or failure of consideration is matter of defense as against any person not a holder in due course; and partial failure of consideration is a defence pro tanto, whether the failure is an ascertained and liquidated amount or otherwise.

## OF NEGOTIABLE INSTRUMENTS.

Section 29. An accommodation party is one who has signed the instrument as maker, drawer, acceptor, or indorser, without receiving value therefor, and for the purpose of lending his name to some other person. Such a person is liable on the instrument to a holder for value, notwithstanding such holder at the time of taking the instrument knew him to be only an accommodation party.

Accommodation party.  
Is liable.

## ARTICLE 3.

## Negotiation.

Section 30. An instrument is negotiated when it is transferred from one person to another in such manner as to constitute the transferee the holder thereof. If payable to bearer it is negotiated by delivery; if payable to order it is negotiated by the indorsement of the holder completed by delivery.

When negotiated.

Section 31. The indorsement must be written on the instrument itself or upon a paper attached thereto. The signature of the indorser, without additional words, is a sufficient indorsement.

Indorsement.

Section 32. The indorsement must be an indorsement of the entire instrument. An indorsement which purports to transfer to the indorsee a part only of the amount payable, or which purports to transfer the instrument to two or more indorsees severally, does not operate as a negotiation of the instrument. But where the instrument has been paid in part, it may be indorsed as to the residue.

Must be an indorsement of the whole.

Section 33. An indorsement may be either special or in blank; and it may also be either restrictive or qualified, or conditional.

How indorsement may be made.

Section 34. A special indorsement specifies the person to whom, or to whose order, the instrument is to be payable; and the indorsement of such indorsee is necessary to the further negotiation of the instrument. An indorsement in blank

Special indorsement.  
In blank.

## OF NEGOTIABLE INSTRUMENTS.

specifies no indorsee, and an instrument so indorsed is payable to bearer, and may be negotiated by delivery.

May convert  
blank into  
special in-  
dorsement.

Section 35. The holder may convert a blank indorsement into a special indorsement by writing over the signature of the indorser in blank any contract consistent with the character of the indorsement.

Restrictive  
indorsement.

Section 36. An indorsement is restrictive, which either,—

(1) Prohibits the further negotiation of the instrument; or

(2) Constitutes the indorsee the agent of the indorser; or

(3) Vests the title in the indorsee in trust for or to the use of some other person.

But the mere absence of words implying power to negotiate does not make an indorsement restrictive.

Rights  
conferred.

Section 37. A restrictive indorsement confers upon the indorsee the right,—

(1) To receive payment of the instrument;

(2) To bring any action thereon that the indorser could bring;

(3) To transfer his rights as such indorsee, where the form of the indorsement authorizes him to do so.

But all subsequent indorsees acquire only the title of the first indorsee under the restrictive indorsement.

Qualified in-  
dorsement.

Section 38. A qualified indorsement constitutes the indorser a mere assignor of the title to the instrument. It may be made by adding to the indorser's signature the words "without recourse" or any words of similar import. Such an indorsement does not impair the negotiable character of the instrument.

## OF NEGOTIABLE INSTRUMENTS.

Section 39. Where an indorsement is conditional, a party required to pay the instrument may disregard the condition, and make payment to the indorsee or his transferee, whether the condition has been fulfilled or not. But any person to whom an instrument so indorsed is negotiated, will hold the same, or the proceeds thereof, subject to the rights of the person indorsing conditionally. Conditional indorsement.

Section 40. Where an instrument, payable to bearer, is indorsed specially, it may nevertheless be further negotiated by delivery; but the person indorsing specially is liable as indorser to only such holders as make title through his indorsement. Instrument payable to bearer specially indorsed.

Section 41. Where an instrument is payable to the order of two or more payees or indorsees who are not partners, all must indorse, unless the one indorsing has authority to indorse for the others. Payable to order.

Section 42. Where an instrument is drawn or indorsed to a person as "Cashier" or other fiscal officer of a bank or corporation, it is deemed prima facie to be payable to the bank or corporation of which he is such officer; and may be negotiated by either the indorsement of the bank or corporation, or the indorsement of the officer. Drawn or indorsed as "Cashier," etc.

Section 43. Where the name of a payee or indorsee is wrongly designated or misspelled, he may indorse the instrument as therein described, adding, if he think it fit, his proper signature. Name of payee wrongly spelled.

Section 44. Where any person is under obligation to indorse in a representative capacity, he may indorse in such terms as to negative personal liability. Indorsed in a representative capacity.

Section 45. Except where an indorsement bears date after the maturity of the instrument, every negotiation is deemed prima facie to have been effected before the instrument was overdue. Deemed to have been effected before overdue.

## OF NEGOTIABLE INSTRUMENTS.

Where pre-  
sumed to  
have been  
made.

Section 46. Except where the contrary appears, every indorsement is presumed prima facie to have been made at the place where the instrument is dated.

Continues  
to remain  
negotiable.

Section 47. An instrument negotiable in its origin continues to be negotiable until it has been restrictively indorsed or discharged by payment or otherwise.

Holder may  
strike out.

Section 48. The holder may at any time strike out any indorsement which is not necessary to his title. The indorser whose indorsement is struck out, and all indorsers subsequent to him, are thereby relieved from liability on the instrument.

Transfer of  
instrument.

Section 49. Where the holder of an instrument payable to his order transfers it for value without indorsing it, the transfer vests in the transferee such title as the transferor had therein, and the transferee acquires, in addition, the right to have the indorsement of the transferor. But for the purpose of determining whether the transferee is a holder in due course, the negotiation takes effect as of the time when the indorsement is actually made.

Negotiated  
back to prior  
party.

Section 50. Where an instrument is negotiated back to a prior party, such party may, subject to the provisions of this act, reissue and further negotiate the same. But he is not entitled to enforce payment thereof against any intervening party to whom he was personally liable.

## ARTICLE 4.

## Rights of the Holder.

Holder may  
sue in own  
name.

Section 51. The holder of a negotiable instrument may sue thereon in his own name and payment to him in due course discharges the instrument.

Who is a  
holder in due  
course.

Section 52. A holder in due course is a holder who has taken the instrument under the following conditions:

- (1) That it is complete and regular upon its face;

## OF NEGOTIABLE INSTRUMENTS.

(2) That he became the holder of it before it was overdue, and without notice that it had been previously dishonored, if such was the fact;

(3) That he took it in good faith and for value;

(4) That at the time it was negotiated to him he had no notice of any infirmity in the instrument or defect in the title of the person negotiating it.

Section 53. Where an instrument payable on demand is negotiated an unreasonable length of time after its issue, the holder is not deemed a holder in due course. Not deemed a holder in due course.

Section 54. Where the transferee receives notice of any infirmity in the instrument or defect in the title of the person negotiating the same before he has paid the full amount agreed to be paid therefor, he will be deemed a holder in due course only to the extent of the amount theretofore paid by him. Will be deemed a holder in due course only to certain extent.

Section 55. The title of a person who negotiates an instrument is defective within the meaning of this act when he obtained the instrument, or any signature thereto, by fraud, duress, or force and fear, or other unlawful means, or for an illegal consideration, or when he negotiates it in breach of faith, or under such circumstances as amount to a fraud. Where title of person is defective.

Section 56. To constitute notice of an infirmity in the instrument or defect in the title of the person negotiating the same, the person to whom it is negotiated must have had actual knowledge of the infirmity or defect, or knowledge of such facts that his action in taking the instrument amounted to bad faith. Notice of an infirmity.

Section 57. A holder in due course holds the instrument free from any defect of title of prior parties, and free from defenses available to prior parties among themselves and may enforce payment of the instrument for the full amount thereof against all parties liable thereon. Holds free from any defect.



## OF NEGOTIABLE INSTRUMENTS.

Subject to  
the same de-  
fenses as if  
it were non-  
negotiable.

Section 58. In the hands of any holder other than a holder in due course, a negotiable instrument is subject to the same defenses as if it were non-negotiable. But a holder who derives his title through a holder in due course, and who is not himself a party to any fraud or illegally affecting the instrument, has all the rights of such former holder in respect of all parties prior to the latter.

Every holder  
deemed to  
be holder in  
due course.

Section 59. Every holder is deemed prima facie to be a holder in due course; but when it is shown that the title of any person who has negotiated the instrument was defective, the burden is on the holder to prove that he or some person under whom he claims acquired the title as holder in due course. But the last-mentioned rule does not apply in favor of a party who became bound on the instrument prior to the acquisition of such defective title.

Where rule  
does not  
not apply.

## ARTICLE 5.

Maker en-  
gages to  
pay.

Section 60. The maker of a negotiable instrument by making it engages that he will pay it according to its tenor, and admits the existence of the payee and his then capacity to endorse.

Admissions  
and engage-  
ments of the  
drawer.

Section 61. The drawer by drawing the instrument admits the existence of the payee and his then capacity to endorse; and engages that on due presentment the instrument will be accepted or paid, or both, according to its tenor, and that if it be dishonored, and the necessary proceedings on dishonor be duly taken, he will pay the amount thereof to the holder, or to any subsequent indorser who may be compelled to pay it. But the drawer may insert in the instrument an express stipulation negating or limiting his own liability to the holder.

May nega-  
tive or limit  
liability.

Obligation  
of acceptor.

Section 62. The acceptor by accepting the instrument engages that he will pay it according to the tenor of his acceptance; and admits,—

OF NEGOTIABLE INSTRUMENTS.

(1) The existence of the drawer, the genuineness of his signature, and his capacity and authority to draw the instrument, and

(2) The existence of the payee and his then capacity to endorse.

Section 63. A person placing his signature upon an instrument otherwise than as maker, drawer or acceptor, is deemed to be an indorser, unless he clearly indicates by appropriate words his intention to be bound in some other capacity.

Section 64. Where a person, not otherwise a party to an instrument, places thereon his signature in blank before delivery he is liable as indorser, in accordance with the following rules:

(1) If the instrument is payable to the order of a third person, he is liable to the payee and to all subsequent parties.

(2) If the instrument is payable to the order of the maker or drawer, or is payable to bearer, he is liable to all parties subsequent to the maker or drawer.

(3) If he signs for the accommodation of the payee, he is liable to all parties subsequent to the payee.

Section 65. Every person negotiating an instrument by delivery or by a qualified indorsement, warrants:

(1) That the instrument is genuine and in all respects what it purports to be;

(2) That he has a good title to it;

(3) That all prior parties had capacity to contract;

(4) That he has no knowledge of any fact which would impair the validity of the instrument or render it valueless.

## OF NEGOTIABLE INSTRUMENTS.

But when the negotiation is by delivery only, the warranty extends in favor of no holder other than the immediate transferee.

The provisions of subdivision three of this section do not apply to persons negotiating public or corporation securities, other than bills and notes.

Indorsement  
without  
qualification.

Section 66. Every indorser who indorses without qualification, warrants to all subsequent holders in due course:

(1) The matters and things mentioned in subdivision one, two and three of the next preceding section; and

(2) That the instrument is at the time of his indorsement valid and subsisting.

And in addition, he engages that on due presentment, it shall be accepted or paid, or both, as the case may be, according to its tenor, and that if it be dishonored, and the necessary proceedings on dishonor be duly taken, he will pay the amount thereof to the holder, or to any subsequent indorser who may be compelled to pay it.

Liability  
incurred.

Section 67. Where a person places his indorsement on an instrument negotiable by delivery he incurs all the liabilities of an indorser.

Liable in the  
order in  
which they  
indorse.

Section 68. As respects one another indorsers are liable prima facia in the order in which they indorse; but evidence is admissible to show that as between or among themselves they have agreed otherwise. Joint payees or joint indorsees who indorse are deemed to indorse jointly and severally.

Where a  
broker ne-  
gotiates  
without in-  
dorsement.

Section 69. Where a broker or other agent negotiates an instrument without indorsement he incurs all the liabilities prescribed by section sixty-five of this act, unless he discloses the name of his principal, and the fact that he is acting only as agent.

## OF NEGOTIABLE INSTRUMENTS.

## ARTICLE 6.

Section 70. Presentment for payment is not necessary in order to charge the person primarily liable on the instrument; but if the instrument is, by its terms, payable at a special place, and he is able and willing to pay it there at maturity, such ability and willingness are equivalent to a tender of payment upon his part. But except as herein otherwise provided, presentment for payment is necessary in order to charge the drawer and indorsers.

Presentment  
for payment.

Section 71. Where the instrument is not payable on demand, presentment must be made on the day it falls due. Where it is payable on demand, presentment must be made within a reasonable time after its issue, except that in the case of a bill of exchange, presentment for payment will be sufficient if made within a reasonable time after the last negotiation thereof.

Not payable  
on demand.  
Payable on  
demand.

Section 72. Presentment for payment, to be sufficient, must be made:

How pre-  
sentment  
must be  
made.

(1) By the holder, or by some person authorized to receive payment on his behalf;

(2) At a reasonable hour on a business day;

(3) At a proper place as herein defined;

(4) To the person primarily liable on the instrument or if he is absent or inaccessible, to any person found at the place where the presentment is made.

Section 73. Presentment for payment is made at the proper place:

Proper place  
for present-  
ment.

(1) Where a place of payment is specified in the instrument and it is there presented;

(2) Where no place of payment is specified, but the address of the person to make payment is given in the instrument and it is there presented.

## OF NEGOTIABLE INSTRUMENTS.

(3) Where no place of payment is specified and no address is given and the instrument is presented at the usual place of business or residence of the person to make payment;

(4) In any other case if presented to the person to make payment wherever he can be found, or if presented at his last known place of business or residence.

Must be exhibited.

Section 74. The instrument must be exhibited to the person from whom payment is demanded, and when it is paid must be delivered up to the party paying it.

Must be made during banking hours.

Section 75. Where the instrument is payable at a bank, presentment for payment must be made during banking hours, unless the person to make payment has no funds there to meet it at any time during the day, in which case presentment at any hour before the bank is closed on that day is sufficient.

Where person liable is dead.

Section 76. Where a person primarily liable on the instrument is dead, and no place of payment is specified, presentment for payment must be made to his personal representative if such there be, and if, with the exercise of reasonable diligence, he can be found.

Where liable as partners.

Section 77. Where the persons primarily liable on the instrument are liable as partners, and no place of payment is specified, presentment for payment may be made to any one of them, even though there has been a dissolution of the firm.

Where there are several persons.

Section 78. Where there are several persons, not partners, primarily liable on the instrument, and no place of payment is specified, presentment must be made to them all.

Where presentment is not required.

Section 79. Presentment for payment is not required in order to charge the drawer where he has no right to expect or require that the drawee or acceptor will pay the instrument.

## OF NEGOTIABLE INSTRUMENTS.

Section 80. Presentment for payment is not required in order to charge an indorser where the instrument was made or accepted for his accommodation and he has no reason to expect that the instrument will be paid if presented.

Where presentment is not required.

Section 81. Delay in making presentment for payment is excused when the delay is caused by circumstances beyond the control of the holder, and not imputable to his default, misconduct or negligence. When the cause of delay ceases to operate, presentment must be made with reasonable diligence.

When delay is excused.

Section 82. Presentment for payment is dispensed with:

When dispensed with:

(1) Where after the exercise of reasonable diligence presentment as required by this act cannot be made;

(2) Where the drawee is a fictitious person;

(3) By waiver of presentment, express or implied.

Section 83. The instrument is dishonored by non-payment when,—

Dishonored when—

(1) It is duly presented for payment and payment is refused or cannot be obtained; or

(2) Presentment is excused and the instrument is overdue and unpaid.

Section 84. Subject to the provisions of this act, when the instrument is dishonored by non-payment, an immediate right of recourse to all parties secondarily liable thereon accrues to the holder.

Recourse to parties secondarily liable.

Section 85. Every negotiable instrument is payable at the time fixed therein without grace. When the day of maturity falls upon Sunday, or a holiday, the instrument is payable on the next succeeding day. Instruments falling due (or becoming payable) on Saturday are to be presented for payment on the next succeeding business day, except that

Is payable at time fixed.

Falling due on Sunday.

Falling due on Saturday.

## OF NEGOTIABLE INSTRUMENTS.

instruments payable on demand may, at the option of the holder, be presented for payment before twelve o'clock noon on Saturday when that entire day is not a holiday.

Where payable at a fixed period.

Section 86. Where the instrument is payable at a fixed period after date, after sight, or after the happening of a specified event, the time of payment is determined by excluding the day from which the time is to begin to run, and by including the date of payment.

Made payable at a bank.

Section 87. Where the instrument is made payable at a bank it is equivalent to an order to the bank to pay the same for the account of the principal debtor thereon.

When payment is made in due course.

Section 88. Payment is made in due course when it is made at or after the maturity of the instrument to the holder thereof in good faith and without notice that his title is defective.

## ARTICLE 7.

Notice must be given to each indorser and to drawer.

Section 89. Except as herein otherwise provided, when a negotiable instrument has been dishonored by non-acceptance or non-payment notice of dishonor must be given to the drawer and to each indorser, and any drawer or indorser to whom such notice is not given is discharged.

How notice may be given

Section 90. The notice may be given by or on behalf of the holder, or by or on behalf of any party to the instrument who might be compelled to pay it to the holder, and who upon taking it up would have a right to reimbursement from the party to whom the notice is given.

In whose name it may be given.

Section 91. Notice of dishonor may be given by an agent either in his own name or in the name of any party to give notice, whether that party be his principal or not.

Where such notice is given

Section 92. Where notice is given by or on behalf of the holder, it enures for the benefit of all subsequent holders and all prior parties who have a right of recourse against the party to whom it is given.

## OF NEGOTIABLE INSTRUMENTS.

Section 93. Where notice is given by or on behalf of a party entitled to give notice, it enures for the benefit of the holder and all parties subsequent to the party to whom notice is given.

Where such notice is given.

Section 94. Where the instrument has been dishonored in the hands of an agent, he may either himself give notice to the parties liable thereon, or he may give notice to his principal. If he give notice to his principal, he must do so within the same time as if he were the holder, and the principal upon the receipt of such notice himself the same time for giving notice as if the agent had been an independent holder.

Where dishonored in the hands of an agent.

Section 95. A written notice need not be signed, and an insufficient written notice may be supplemented and validated by verbal communication. A misdescription of the instrument does not vitiate the notice unless the party to whom the notice is given is in fact misled thereby.

Written notice need not be signed.  
Misdescription.

Section 96. The notice may be in writing or merely oral and may be given in any terms which sufficiently identify the instrument, and indicate that it has been dishonored by non-acceptance or non-payment. It may in all cases be given by delivering it personally or through the mails.

May be in writing or oral.

Section 97. Notice of dishonor may be given either to the party himself or to his agent in that behalf.

To whom notice may be given.

Section 98. When any party is dead, and his death is known to the party giving notice, the notice must be given to a personal representative, if there be one, and if with reasonable diligence he can be found. If there be no personal representative, notice may be sent to the last residence or last place of business of the deceased.

When party is dead.

Section 99. Where the parties to be notified are partners, notice to any one partner is notice to the firm even though there has been a dissolution.

In case of partners



## OF NEGOTIABLE INSTRUMENTS.

Notice to  
joint  
parties

Section 100. Notice to joint parties who are not partners must be given to each of them, unless one of them has authority to receive such notice for the others.

In case of  
bankruptcy  
or assign-  
ment.

Section 101. Where a party has been adjudged a bankrupt or an insolvent, or has made an assignment for the benefit of creditors, notice may be given either to the party himself or to his trustee or assignee.

When may  
be given

Section 102. Notice may be given as soon as the instrument is dishonored; and unless delay is excused as hereinafter provided, must be given within the times fixed by this act.

Time to give  
notice.

Section 103. Where the person giving and the person to receive notice reside in the same place, notice must be given within the following times:

(1) If given at the place of business of the person to receive notice, it must be given before the close of business hours on the day following.

(2) If given at his residence, it must be given before the usual hours of rest on the day following.

(3) If sent by mail, it must be deposited in the post-office in time to reach him in the usual course on the day following.

Where re-  
side in dif-  
ferent  
places --

Section 104. Where the person giving and the person to receive notice reside in different places, the notice must be given within the following times:

(1) If sent by mail, it must be deposited in the post-office in time to go by mail the day following the day of dishonor, or if there be no mail at a convenient hour on that day, by the next mail thereafter.

(2) If given otherwise than through the post-office, then within the time that notice would have been received in due course of mail, if it had been deposited in the post-office with the time specified in the last subdivision.

## OF NEGOTIABLE INSTRUMENTS.

Section 105. Where notice of dishonor is duly addressed and deposited in the post-office, the sender is deemed to have given due notice, notwithstanding any miscarriage in the mails.

Where addressed and deposited in post-office.

Section 106. Notice is deemed to have been deposited in the post-office when deposited in any branch post-office or in any letter box under the control of the post-office department.

When notice is deemed to be deposited in post-office.

Section 107. Where a party receives notice of dishonor, he has, after the receipt of such notice, the same time for giving notice to antecedent parties that the holder has after the dishonor.

Notice to antecedent parties.

Section 108. Where a party has added an address to his signature, notice of dishonor must be sent to that address; but if he has not given such address, then the notice must be sent as follows:

Where notice must be sent.

(1) Either to the post-office nearest to his place of residence, or to the post-office where he is accustomed to receive his letters; or

(2) If he live in one place, and have his place of business in another, notice may be sent to either place; or

(3) If he is sojourning in another place, notice may be sent to the place where he is sojourning.

But where the notice is actually received by the party within the time specified in this act, it will be sufficient, though not sent in accordance with the requirements of this section.

Section 109. Notice of dishonor may be waived, either before the time of giving notice has arrived, or after the omission to give due notice, and the waiver may be expressed or implied.

Waiver of notice.

Section 110. Where the waiver is embodied in the instrument itself, it is binding upon all parties; but where it

Who waiver is binding upon.

## OF NEGOTIABLE INSTRUMENTS.

is written above the signature of an indorser, it binds him only.

Waiver of protest.

Section 111. A waiver of protest, whether in the case of a foreign bill of exchange or other negotiable instrument, is deemed to be a waiver not only of a formal protest, but also of presentment and notice of dishonor.

When dispensed with.

Section 112. Notice of dishonor is dispensed with when, after the exercise of reasonable diligence, it cannot be given to or does not reach the parties sought to be charged.

Delay in giving notice

Section 113. Delay in giving notice of dishonor is excused when the delay is caused by circumstances beyond the control of the holder, and not imputable to this default, misconduct or negligence. When the cause of delay ceases to operate, notice must be given with reasonable diligence.

When not required to be given to drawer

Section 114. Notice of dishonor is not required to be given to the drawer in either of the following cases:

(1) Where the drawer and drawee are the same person;

(2) When the drawee is a fictitious person or a person not having capacity to contract;

(3) When the drawer is the person to whom the instrument is presented for payment;

(4) Where the drawer has no right to expect or require that the drawee or acceptor will honor the instrument;

(5) Where the drawer has countermanded payment.

When not required to be given to indorser

Section 115. Notice of dishonor is not required to be given to an indorser in either of the following cases:

(1) Where the drawee is a fictitious person or person not having capacity to contract, and the indorser was aware of the fact at the time he indorsed the instrument;

## OF NEGOTIABLE INSTRUMENTS.

(2) Where the indorser is the person to whom the instrument is presented for payment;

(3) Where the instrument was made or accepted for his accommodation.

Section 116. Where due notice of dishonor by non-acceptance has been given notice of a subsequent dishonor by non-payment is not necessary, unless in the meantime the instrument has been accepted. Subsequent dishonor by non-payment not necessary.

Section 117. An omission to give notice of dishonor by non-acceptance does not prejudice the rights of a holder in due course subsequent to the omission. Omission to give notice.

Section 118. Where any negotiable instrument has been dishonored it may be protested for non-acceptance or non-payment as the case may be; but protest is not required except in the case of foreign bills of exchange. May be protested.

## ARTICLE 8.

Section 119. A negotiable instrument is discharged: May be discharged how.

(1) By payment in due course by or on behalf of the principal debtor;

(2) By payment in due course by the party accommodated, where the instrument is made or accepted for accommodation;

(3) By the intentional cancellation thereof by the holder;

(4) By any other act which will discharge a simple contract for the payment of money;

(5) When the principal debtor becomes the holder of the instrument at or after maturity in his own right.

Section 120. A person secondarily liable on the instrument is discharged: Discharge of person secondarily liable.

## OF NEGOTIABLE INSTRUMENTS.

- (1) By any act which discharges the instrument;
- (2) By the intentional cancellation of his signature by the holder;
- (3) By the discharge of a prior party;
- (4) By a valid tender of payment made by a prior party;
- (5) By a release of the principal debtor, unless the holder's right of recourse against the party secondarily liable is expressly reserved;
- (6) By any agreement binding upon the holder to extend the time of payment, or to postpone the holder's right to enforce the instrument, unless made with the assent of the party secondarily liable, or unless the right of recourse against such party is expressly reserved.

Where paid  
by party  
secondarily  
liable.

Section 121. Where the instrument is paid by a party secondarily liable thereon, it is not discharged; but the party so paying it is remitted to his former rights as regards all prior parties, and he may strike out his own and all subsequent indorsements, and again negotiate the instrument, except:

- (1) Where it is payable to the order of a third person, and has been paid by the drawer; and
- (2) Where it was made or accepted for accommodation, and has been paid by the party accommodated.

Holder may  
renounce.

Section 122. The holder may expressly renounce his rights against any party to the instrument, before, at or after its maturity. An absolute and unconditional renunciation of his rights against the principal debtor made at or after the maturity of the instrument discharges the instrument. But a renunciation does not affect the rights of a holder in due course without notice. A renunciation must be in writing, unless the instrument is delivered up to the person primarily liable thereon.

## OF NEGOTIABLE INSTRUMENTS.

Section 123. A cancellation made unintentionally, or under a mistake or without the authority of the holder, is inoperative; but where an instrument or any signature thereon appears to have been cancelled the burden of proof lies on the party who alleges that the cancellation was made unintentionally, or under a mistake or without authority.

Cancellation  
by mistake.

Burden of  
proof.

Section 124. Where a negotiable instrument is materially altered without the assent of all parties liable thereon, it is avoided, except as against a party who has himself made, authorized or assented to the alteration, and subsequent indorsers.

Where in-  
strument is  
materially  
altered.

But when an instrument has been materially altered and is in the hands of a holder in due course, not a party to the alteration, he may enforce payment thereof according to its original tenor.

Section 125. Any alteration which changes,—

What con-  
stitutes  
material al-  
teration.

- (1) The date;
- (2) The sum payable, either for principal or interest;
- (3) The time or place of payment;
- (4) The number or the relations of the parties;
- (5) The medium or currency in which payment is to be made;

Or which adds a place of payment where no place of payment is specified, or any other change or addition which alters the effect of the instrument in any respect, is a material alteration.

## OF NEGOTIABLE INSTRUMENTS.

## TITLE 2.

## Bills of Exchange.

## ARTICLE 1.

## Form and Interpretation.

Bill of ex-  
change

Section 126. A bill of exchange is an unconditional order in writing addressed by one person to another, signed by the person giving it, requiring the person to whom it is addressed to pay on demand or at a fixed or determinable future time a sum certain in money to order or to bearer.

Drawee not  
liable until  
acceptance.

Section 127. A bill of itself does not operate as an assignment of the funds in the hands of the drawee available for the payment thereof, and the drawee is not liable on the bill unless and until he accepts the same.

May be ad-  
dressed  
jointly.

Section 128. A bill may be addressed to two or more drawees jointly, whether they are partners or not; but not to two or more drawees in the alternative or in succession.

Inland bill  
of exchange.

Section 129. An inland bill of exchange is a bill which is, or on its face purports to be, both drawn and payable within this State. Any other bill is a foreign bill. Unless the contrary appears on the face of the bill, the holder may treat it as an inland bill.

May be  
treated as  
bill of ex-  
change or a  
promissory  
note.

Section 130. Where in a bill drawer and drawee are the same person, or where the drawee is a fictitious person, or a person not having capacity to contract, the holder may treat the instrument, at his option, either as a bill of exchange or a promissory note.

Referee in  
case of need.

Section 131. The drawer of a bill and any indorser may insert thereon the name of a person to whom the holder may resort in case of need, that is to say in case the bill is dishonored by non-acceptance or non-payment. Such person is called the referee in case of need. It is in the option of the holder to resort to the referee in case of need or not as he may see fit.

## OF NEGOTIABLE INSTRUMENTS.

## ARTICLE 2.

Section 132. The acceptance of a bill is the signification by the drawee of his assent to the order of the drawer. The acceptance must be in writing and signed by the drawee. It must not express that the drawee will perform his promise by any other means than the payment of money.

Acceptance  
of a bill.

Section 133. The holder of a bill presenting the same for acceptance may require that the acceptance be written on the bill and, if such request is refused, may treat the bill as dishonored.

May require  
written ac-  
ceptance.

Section 134. Where an acceptance is written on a paper other than the bill itself, it does not bind the acceptor except in favor of a person to whom it is shown and who, on the faith thereof, receives the bill for value.

Where  
written on a  
paper other  
than bill.

Section 135. An unconditional promise in writing to accept a bill before it is drawn is deemed an actual acceptance in favor of every person who upon the faith thereof, receives the bill for value.

Uncondi-  
tional  
promise.

Section 136. The drawee is allowed twenty-four hours after presentment, in which to decide whether or not he will accept the bill; but the acceptance if given, dates as of the day of presentation.

Time in  
which to  
decide.

Section 137. Where a drawee to whom a bill is delivered for acceptance destroys the same, or refuses within twenty-four hours after such delivery, or within such other period as the holder may allow, to return the bill accepted or non-accepted to the holder, he will be deemed to have accepted the same.

Shall be  
deemed to  
be accepted.

Section 138. A bill may be accepted before it has been signed by the drawer, or while otherwise incomplete, or when it is overdue, or after it has been dishonored by a previous refusal to accept, or by non-payment. But when a bill payable after sight is dishonored by non-acceptance and the drawee subsequently accepts it, the holder in the absence of

May be ac-  
cepted when.



## OF NEGOTIABLE INSTRUMENTS.

any different agreement, is entitled to have the bill accepted as of the date of the first presentment.

General and  
qualified  
acceptance.

Section 139. An acceptance is either general or qualified. A general acceptance assents without qualification to the order of the drawer. A qualified acceptance in express terms varies the effect of the bill as drawn.

General  
acceptance.

Section 140. An acceptance to pay at a particular place is a general acceptance, unless it expressly states that the bill is to be paid there only and not elsewhere.

Qualified  
acceptance.

Section 141. An acceptance is qualified, which is:

(1) Conditional, that is to say, which makes payment by the acceptor dependent on the fulfillment of a condition therein stated;

(2) Partial, that is to say, an acceptance to pay part only of the amount for which the bill is drawn;

(3) Local, that is to say, an acceptance to pay only at a particular place;

(4) Qualified as to time;

(5) The acceptance of some one or more of the drawees, but not of all.

Holder may  
refuse to  
take quali-  
fied accept-  
ance.

Section 142. The holder may refuse to take a qualified acceptance, and if he does not obtain an unqualified acceptance, he may treat the bill as dishonored by non-acceptance. Where a qualified acceptance is taken the drawer and indorsers are discharged from liability on the bill, unless they have expressly or impliedly authorized the holder to take a qualified acceptance, or subsequently assent thereto. When the drawer or an indorser receives notice of a qualified acceptance, he must, within a reasonable time, express his dissent to the holder, or he will be deemed to have assented thereto.

OF NEGOTIABLE INSTRUMENTS.

ARTICLE 3.

Section 143. Presentment for acceptance must be made: Presentment for acceptance.

(1) Where the bill is payable after sight, or in any other case, where presentment for acceptance is necessary in order to fix the maturity of the instrument; or

(2) Where the bill expressly stipulates that it shall be presented for acceptance; or

(3) Where the bill is drawn payable elsewhere than at the residence or place of business of the drawee.

In no other case is presentment for acceptance necessary in order to render any party to the bill liable.

Section 144. Except as herein otherwise provided, the holder of a bill which is required by the next preceding section to be presented for acceptance must either present it for acceptance or negotiate it within a reasonable time. If he fails to do so, the drawer and all indorsers are discharged. Must present or negotiate within a reasonable time.

Section 145. Presentment for acceptance must be made by or on behalf of the holder at a reasonable hour, on a business day and before the bill is over due, to the drawee or some person authorized to accept or refuse acceptance on his behalf; and: When must be made and to whom.

(1) Where a bill is addressed to two or more drawees who are not partners, presentment must be made to them all, unless one has authority to accept or refuse acceptance for all, in which case presentment may be made to him only.

(2) Where the drawee is dead, presentment may be made to his personal representative;

(3) Where the drawee has been adjudged a bankrupt or an insolvent or has made an assignment for the benefit of creditors, presentment may be made to him or to his trustee or assignee.

## OF NEGOTIABLE INSTRUMENTS.

When presented on Saturday.

Section 146. A bill may be presented for acceptance on any day on which negotiable instruments may be presented for payment under the provisions of sections seventy-two and eighty-five of this act. When Saturday is not otherwise a holiday, presentment for acceptance may be made before twelve o'clock, noon, on that day.

Does not discharge drawers or indorsers.

Section 147. Where the holder of a bill drawn payable elsewhere than at the place of business or the residence of the drawee has not time with the exercise of reasonable diligence to present the bill for acceptance before presenting it for payment on the day that it falls due, the delay caused by presenting the bill for acceptance before presenting it for payment is excused and does not discharge the drawers and indorsers.

When may be treated as dishonored.

Section 148. Presentment for acceptance is excused and a bill may be treated as dishonored by non-acceptance, in either of the following cases:

(1) Where the drawee is dead, or has absconded, or is a fictitious person or a person not having capacity to contract by bill.

(2) Where, after the exercise of reasonable diligence, presentment cannot be made.

(3) Where, although presentment has been irregular, acceptance has been refused on some other ground.

When dishonored by non-acceptance.

Section 149. A bill is dishonored by non-acceptance,—

(1) When it is duly presented for acceptance and such an acceptance as is prescribed by this act is refused or cannot be obtained; or

(2) When presentment for acceptance is excused and the bill is not accepted.

Must treat bill as dishonored

Section 150. Where a bill is duly presented for acceptance and is not accepted within the prescribed time, the person presenting it must treat the bill as dishonored by non-

## OF NEGOTIABLE INSTRUMENTS.

acceptance or he loses the right of recourse against the drawer and indorsers.

Section 151. When a bill is dishonored by non-acceptance, an immediate right of recourse against the drawers and indorsers accrues to the holder and no presentment for payment is necessary. No presentment necessary.

## ARTICLE 4.

Section 152. Where a foreign bill appearing on its face to be such is dishonored by non-acceptance, it must be duly protested for non-acceptance, and where such a bill which has not previously been dishonored by non-acceptance is dishonored by non-payment, it must be duly protested for non-payment. If it is not so protested, the drawer and indorsers are discharged. Where a bill does not appear on its face to be a foreign bill, protest thereof in case of dishonor is unnecessary. Must be duly protested.

Section 153. The protest must be annexed to the bill, or must contain a copy thereof and must be under the hand and seal of the notary making it, and must specify: Must be annexed to bill, and must specify what.

- (1) The time and place of presentment;
- (2) The fact that presentment was made and the manner thereof;
- (3) The cause or reason for protesting the bill;
- (4) The demand made and the answer given, if any, or the fact that the drawee or acceptor could not be found.

Section 154. Protest may be made by:

- (1) A notary public; or
- (2) By any respectable resident of the place where the bill is dishonored, in the presence of two or more creditable witnesses.

## OF NEGOTIABLE INSTRUMENTS.

Date of  
protest.

Section 155. When a bill is protested, such protest must be made on the day of its dishonor, unless delay is excused as herein provided. When a bill has been duly noted, the protest may be subsequently extended as of the date of the noting.

Place of  
protest.

Section 156. A bill must be protested at the place where it is dishonored, except that when a bill drawn payable at the place of business, or residence of some person other than the drawee, has been dishonored by non-acceptance, it must be protested for non-payment at the place where it is expressed to be payable, and no further presentment for payment to, or demand on, the drawee is necessary.

Two protests

Section 157. A bill which has been protested for non-acceptance may be subsequently protested for non-payment.

May cause  
protest for  
better se-  
curity.

Section 158. Where the acceptor has been adjudged a bankrupt or an insolvent, or has made an assignment for the benefit of creditors, before the bill matures, the holder may cause the bill to be protested for better security against the drawer and indorsers.

Protest dis-  
pensed with  
or delayed.

Section 159. Protest is dispensed with by any circumstances which would dispense with notice of dishonor. Delay in noting or protesting is excused when delay is caused by circumstances beyond the control of the holder and not imputable to his default, misconduct or negligence. When the cause of delay ceases to operate, the bill must be noted or protested with reasonable diligence.

Bill lost or  
destroyed.

Section 160. When a bill is lost or destroyed or is wrongly detained from the person entitled to hold it, protest may be made on a copy or written particulars thereof.

## ARTICLE 5.

## Article for Honor.

Acceptance  
for honor.

Section 161. Where a bill of exchange has been protested for dishonor by non-acceptance or protested for better

## OF NEGOTIABLE INSTRUMENTS.

security, and is not overdue, any person not being a party already liable thereon may, with the consent of the holder, intervene and accept the bill supra protest for the honor of any party liable thereon, or for the honor of the person for whose account the bill is drawn. The acceptance for honor may be for the part only of the sum for which the bill is drawn; and where there has been an acceptance for honor for one party, there may be a further acceptance by a different person for the honor of another party.

Section 162. An acceptance for honor supra protest must be in writing, and indicate that it is an acceptance for honor, and must be signed by the acceptor for honor. Must be in writing.

Section 163. Where an acceptance for honor does not expressly state for whose honor it is made, it is deemed to be an acceptance for the honor of the drawer. For the honor of drawer.

Section 164. The acceptor for honor is liable to the holder and to all parties to the bill subsequent to the party for whose honor he has accepted. Acceptor liable.

Section 165. The acceptor for honor, by such acceptance engages that he will on due presentment pay the bill according to the terms of his acceptance, provided it shall not have been paid by the drawee, and provided also, that it shall have been duly presented for payment and protested for non-payment and notice of dishonor given him. Obligation of acceptor for honor.

Section 166. Where a bill payable after sight is accepted for honor, its maturity is calculated from the date of the noting for non-acceptance and not from the date of the acceptance for honor. Date of maturity.

Section 167. Where a dishonored bill has been accepted for honor supra protest or contains a reference in case of need, it must be protested for non-payment before it is presented for payment to the acceptor for honor or referee in case of need. Must be protested.

## OF NEGOTIABLE INSTRUMENTS.

Presentment made how.      Section 168. Presentment for payment to the acceptor for honor must be made as follows :

(1) If it is to be presented in the place where the protest for non-payment was made, it must be presented not later than the day following its maturity.

(2) If it is to be presented in some other place than the place where it was protested, then it must be forwarded within the time specified in section one hundred and four.

Sec. 81 to apply.      Section 169. The provisions of section eighty-one apply where there is delay in making presentment to the acceptor for honor or referee in case of need.

Must be protested.      Section 170. When the bill is dishonored by the acceptor for honor it must be protested for non-payment by him.

## ARTICLE 6.

May pay for honor of person liable.      Section 171. Where a bill has been protested for non-payment, any person may intervene and pay it supra protest for the honor of any person liable thereon or for the honor of the person for whose account it was drawn.

Must be attested by a notarial act.      Section 172. The payment for honor supra protest in order to operate as such and not as a mere voluntary payment must be attested by a notarial act of honor which may be appended to the protest or form an extension to it.

Founded on a declaration.      Section 173. The notarial act of honor must be founded on a declaration made by the payer for honor or by his agent in that behalf declaring his intention to pay the bill for honor and for whose honor he pays.

Preference given.      Section 174. Where two or more persons offer to pay a bill for the honor of different parties, the person whose payment will discharge most parties to the bill is to be given the preference.

Where bill has been paid for honor.      Section 175. Where a bill has been paid for honor, all parties subsequent to the party for whose honor it is paid

## OF NEGOTIABLE INSTRUMENTS.

are discharged, but the payer for honor is subrogated for, and succeeds to, both the rights and duties of the holder as regards the party for whose honor he pays and all parties liable to the latter.

Section 176. Where the holder of a bill refuses to receive payment *supra protest*, he loses his right of recourse against any party who would have been discharged by such payment. Loses right of recourse.

Section 177. The payer for honor, on paying to the holder the amount of the bill and the notarial expenses incidental to its dishonor, is entitled to receive both the bill itself and the protest. Shall receive both bill and protest.

## ARTICLE 7.

## Bills in a Set.

Section 178. Where a bill is drawn in a set, each part of the set being numbered and containing a reference to the other parts, the whole of the parts constitutes one bill. Drawn in a set.

Section 179. Where two or more parts of a set are negotiated to different holders in due course, the holder whose title first accrues is as between such holders the true owner of the bill. But nothing in this section affects the rights of a person who in due course accepts or pays the part first presented to him. True owner of bill.

Section 180. Where the holder of a set indorses two or more parts to different persons he is liable on every such part, and every indorser subsequent to him is liable on the part he has himself indorsed, as if such parts were separate bills. Where holder endorses two or more parts.

Section 181. The acceptance may be written on any part and it must be written on one part only. If the drawee accepts more than one part, and such accepted parts are negotiated to different holders in due course, he is liable on every such part as if it were a separate bill. How acceptance may be written.



## OF NEGOTIABLE INSTRUMENTS.

Where part  
accepted is  
not deliv-  
ered.

Section 182. When the acceptor of a bill drawn in a set pays it without requiring the part bearing his acceptance to be delivered up to him, and that part at maturity is outstanding in the hands of a holder in due course, he is liable to the holder thereon.

Whole is  
discharged.

Section 183. Except as herein otherwise provided where any one part of a bill drawn in a set is discharged by payment or otherwise the whole bill is discharged.

## TITLE 3.

## Promissory Notes and Checks.

## ARTICLE 1.

Negotiable  
promissory  
note.

Section 184. A negotiable promissory note within the meaning of this act is an unconditional promise in writing made by one person to another signed by the maker engaging to pay on demand, or at a fixed or determinable future time, a sum certain in money to order or to bearer. Where a note is drawn to the maker's own order, it is not complete until indorsed by him.

What a  
check is.

Section 185. A check is a bill of exchange drawn on a bank payable on demand. Except as herein otherwise provided, the provisions of this act applicable to a bill of exchange payable on demand apply to a check.

Must be  
presented  
within a  
reasonable  
time.

Section 186. A check must be presented for payment within a reasonable time after its issue or the drawer will be discharged from the liability thereon to the extent of the loss caused by the delay.

Certified  
check.

Section 187. Where a check is certified by the bank on which it is drawn, the certification is equivalent to an acceptance.

Drawer and  
indorsers  
discharged.

Section 188. Where the holder of a check procures it to be accepted or certified the drawer and all indorsers are discharged from liability thereon.

## OF NEGOTIABLE INSTRUMENTS.

Section 189. A check of itself does not operate as an assignment of any part of the funds to the credit of the drawer with the bank, and the bank is not liable to the holder, unless and until it accepts or certifies the check.

Must be accepted or certified.

## TITLE 4.

## General Provisions.

## ARTICLE 1.

Section 190. This act may be cited as the Uniform Negotiable Instruments Act.

Uniform Negotiable Instrument Act.

Section 191. In this act, unless the context otherwise requires,—

Meaning of terms.

“Acceptance” means an acceptance completed by delivery or notification.

“Action” includes counter-claim and set-off.

“Bank” includes any person or association of persons carrying on the business of banking, whether incorporated or not.

“Bearer” means the person in possession of a bill or note which is payable to bearer.

“Bill” means bill of exchange, and “note” means negotiable promissory note.

“Delivery” means transfer of possession, actual or constructive from one person to another.

“Holder” means the payee or indorsee of a bill or note, who is in possession of it, or the bearer thereof.

“Indorsement” means an indorsement completed by delivery.

“Instrument” means negotiable instrument.

## OF NEGOTIABLE INSTRUMENTS.

"Issue" means the first delivery of the instrument, complete in form, to a person who takes it as a holder.

"Person" includes a body of persons, whether incorporated or not.

"Value" means valuable consideration.

"Written" includes printed, and "writing" includes print.

Primarily  
liable.

Section 192. The person "primarily" liable on an instrument is the person who by the terms of the instrument is absolutely required to pay the same. All other parties are "secondarily" liable.

Reasonable  
time.

Section 193. In determining what is a "reasonable time" or an "unreasonable time," regard is to be had to the nature of the instrument, the usage of trade or business (if any) with respect to such instruments, and the facts of the particular case.

Where falls  
on Sunday.

Section 194. Where the day, or the last day, for doing any act herein required or permitted to be done falls on Sunday or on a holiday, the act may be done on the next succeeding secular or business day.

Not to  
apply

Section 195. The provisions of this act do not apply to negotiable instruments made and delivered prior to the taking effect hereof.

Cases not  
provided for.

Section 196. In any case not provided for in this act the rules of law and equity including the law merchant shall govern.

Section 197. All acts and parts of acts inconsistent with this act are hereby repealed.

When to  
take effect.

Section 198. This act shall take effect on the first day of January, One thousand nine hundred and twelve.

Approved April 4, A. D. 1911.

## OF THE CITY OF WILMINGTON.

## CHAPTER 192.

## OF THE CITY OF WILMINGTON.

AN ACT to provide a Charter for the City of Wilmington, for the creation of a Charter Commission to frame such Charter, for the submission of the Charter so framed to the vote of the citizens of Wilmington, for the presentation of such Charter for the consideration of the General Assembly of the State of Delaware convening in the year 1913, if the same shall be approved by said citizens, and for the payment of the compensation of said Commissioners and the expenses incident to the accomplishment of the foregoing purposes.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch concurring therein) :*

Section 1. On or before the first day of May A. D. 1911 the Governor of the State of Delaware and the Mayor of the City of Wilmington, Delaware, shall appoint from the citizens of the said City entitled to vote at the last General Election in said City a Commission of ten persons to frame a Charter for said City. All of said Commissioners shall be selected and appointed by said Governor and said Mayor, by their Joint act, and shall hold office for the period of two years from the date of their appointment, and no longer. The name and style of said Commission shall be "The Wilmington Charter Commission." Vacancies on said Commission happening by reason of death, removal from the said City, resignation, inability to act or otherwise, shall be filled by the election by two-third vote of the continuing members of said Commission of some person or persons from the class of persons eligible under this Section to be appointed a member of said Commission.

Governor and the Mayor shall appoint ten persons to frame a Charter.

Shall be a joint act.

Shall hold office for two years.

Name of the Commission.

Vacancies to be filled by continuing members.

Section 2. The members of said Wilmington Charter Commission shall each receive as an honorarium for services upon said Commission the sum of Three Hundred Dollars,

Members shall each receive \$300.

## OF THE CITY OF WILMINGTON.

or such proportion thereof, in case of the failure for any cause to serve on said Commission throughout the said term of its existence, which the time of the service of any Commissioner shall bear to the whole term of two years, so limited for the continuance of said Commission. Said Commissioners shall receive no further compensation for services upon said Commission. The City Council of Wilmington shall pay from the funds of said City the said salaries of said Commissioners and a further sum of money not exceeding One Thousand Dollars for the necessary expenses of said Commission. The said compensation of said Commissioners shall be payable on or before the first day of May A. D. 1913 at such time as the City Council of Wilmington shall determine. The expenses of said Commission shall be paid by the City Treasurer of said City from time to time during the existence of said Commission upon the certificate of the President and Secretary of said Commission that said Commission has, by a majority vote of all of its members, duly authorized such expenditures.

No further compensation.

City Council to pay salaries.

One thousand dollars for necessary expenses.

Compensation payable May 1, 1913.

Expenses to be paid from time to time.

Shall meet and organize on or before May 10, 1911.

Power to adopt rules and regulations.

Duty of the Commissioners.

Shall complete the Charter on or before Feb. 1, 1912.

Section 3. On or before the tenth day of May A. D. 1911 said Wilmington Charter Commission shall meet for organization and shall forthwith organize said Commission by the election, by a majority vote of all its members, of a President and Secretary. Said Commission shall have power to adopt, by a similar majority vote, rules to regulate the conduct of its business, the appointment of sub-committees and the due performance of its work.

Section 4. It shall be the duty of said Commissioners, after due study and examination of the conditions and needs of the City of Wilmington, to frame a charter or scheme of government suitable for said City, which charter or scheme of government may be either an adaptation of the present Charter of said City or a wholly new Charter. Said Commissioners shall complete the framing of said Charter or scheme of government on or before the first day of February A. D. 1912, and forthwith make their report thereof to

## OF THE CITY OF WILMINGTON.

the Mayor of said City then in office. The said Mayor of said City, with the assistance and advice of said Commission, or its officers, shall forthwith and on or before the first day of March A. D. 1912 cause the report of said Commissioners, including the said new Charter or scheme of government, to be printed to the extent of ten thousand copies in unbound pamphlet form; said Commission shall thereupon cause to be distributed, to such an extent and in such manner as it may determine, such portion of said printed copies as it shall deem wise, among the voters of said City, and deposit the remainder of said printed reports at the office of the Clerk of Council of said City, so that a copy thereof may be secured by any citizen of said City upon application at said office. The expenses of such printing and distribution of such printed report shall be in addition to said sum above provided for the expenses of said Commission and shall be paid by the City Treasurer of said City upon the certificate of the said Mayor of said City then in office that the cost of said printing and distribution is reasonable, and has been actually incurred for such purposes.

Shall report to the Mayor.

Mayor shall cause report to be printed by March 1, 1912.

Ten thousand copies to be printed.

Portion to be distributed among the voters.

Remainder to be deposited at the office of Clerk of Council.

Expenses of printing, etc., to be paid by the City Treasurer.

Section 5. On the first Saturday in June in the year 1912 the said charter or scheme of government framed by said Commission shall be submitted to the legal voters resident in said City and qualified to vote at the last previous Municipal Election in said City for their approval or disapproval, and in the following manner:

Charter shall be submitted on first Saturday in June 1912.

The Department of Elections of said City shall prepare and have printed, thirty days before the said Special Election day, ballots, at least twice as many in number as the registered voters of said City qualified to vote at said Special Election, of appropriate size and shape, and in the following form:

Ballots to be prepared and printed.

[illegible]

Any person qualified to vote as aforesaid may cast a vote in favor of said city charter or scheme of government by placing a cross anywhere within the portion of said ballot containing the words "For the Charter" and against said charter or scheme of government by placing a cross anywhere within the portion of said ballot containing the words "Against the Charter."

It shall be the duty of said Department of Elections to furnish proper blanks upon which the Election Officers at the several polling places in said City may certify the result of said balloting at said several polling places for and against said Charter and to deliver an adequate number of such blanks for the certifying of said results of said Election in all the several polling places in said City at the same time that they shall deliver at said polling places the ballot boxes to be used at said Special Election.

The Election Officers who shall have held the election at the Municipal Election in said City in the month of June A. D. 1911 shall act as Election Officers to hold said Special Election in the same voting districts in which they served at said previous General Municipal Election, provided that vacancies among said Election Officers in any District, from any cause, may be filled by the said Department of Elections in the same manner as now provided by law in the case of Municipal Elections.

cancies among said Election Officers in any District, from any cause, may be filled by the said Department of Elections in the same manner as now provided by law in the case of Municipal Elections.

Section 6. Except as herein otherwise provided, and so far as the same may be applicable, all the provisions of law relating to Municipal Elections in the City of Wilmington shall be construed to be in force and shall apply to said Spe-

## OF THE CITY OF WILMINGTON.

cial Charter Election; provided that in case of any question as to the applicability of said laws to said Special Charter Election, it shall be the duty of said Department of Elections to adopt such special rules and regulations as shall in that behalf conform so nearly as may be to the existing law relating to Municipal Elections.

Department of Elections may adopt special rules, etc.

All provisions of law relating to Municipal Elections in the City of Wilmington providing for the purity of the ballot and the punishment of violations thereof shall be construed to apply to said Special Charter Election; and in case of the violation of any of the special provisions of this Act, and where no penalty is provided under existing law, the person or persons so violating said special provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by fine or imprisonment or both, at the discretion of the Court.

Law relating to the purity of the ballot shall apply.

Penalty for violation of provisions.

Section 7. Said Department of Elections shall convene at the City Hall in said City of Wilmington, at one o'clock in the afternoon on the Monday following the day of said Special Election, and properly ascertain the result of the vote cast for and against said Charter or scheme of government in the same manner and with the same powers and subject to the same restrictions, duties and responsibilities as now pertain to said Department with reference to ascertaining the result of Municipal Elections under the existing law. For the purpose of such canvass of said votes the ballot boxes containing all of said ballots cast at such Special Election for and against said charter or scheme of government, together with all the contents of said ballot boxes, shall be produced before said Department of Elections at the City Hall in said City, by the Election Officers having custody and control of said boxes, before twelve o'clock noon, on said Monday after said Special Election. Upon the ascertainment of the result of said election by said Department sitting as such Board of Canvass, certificates shall be made out in duplicate by said Department of Elections stating the re-

Department of Elections shall ascertain result of vote.

When ballot boxes shall be produced.

Certificates shall be made out in duplicate.



## OF THE CITY OF WILMINGTON.

To whom  
the certifi-  
cates shall  
be delivered.

sult of said Election for and against said Charter. Upon the completion of its duties as above provided the said Department of Elections shall deliver to the Mayor of said City one of said certificates stating the result of said Charter Election, and to the President of City Council in said City the other of said certificates certifying the result of said Election.

If vote shall  
be in favor  
of the Char-  
ter, presenta-  
tion shall  
be made to  
the General  
Assembly  
in 1913.

Section 8. That in case the vote so taken as aforesaid shall be in favor of the charter or scheme of government so framed, it shall be the duty of the Mayor and Council of the City of Wilmington to present such Charter to the General Assembly of the State of Delaware, convening in the year A. D. 1913, as the Charter desired by the citizens of Wilmington and, if possible, to procure its passage as a law by such General Assembly and its approval by the Governor of the State of Delaware.

City Council  
to provide  
funds for  
compensa-  
tion and  
expenses

Section 9. It shall be the duty of the City Council of the City of Wilmington, by special tax levy or otherwise as it shall deem wise, provide funds and to make due appropriation thereof for the payment of the compensation of said Charter Commissioners, the expenses of said Commission, the cost of printing, publication and distribution of the said pamphlet copies of the report of said Commission, including the said proposed charter or scheme of government, the expenses of holding said election thereon, and all other expenditures necessary to carry this Act, and every part thereof, into full and complete operation.

Approved March 29, A. D. 1911.

## OF THE CITY OF WILMINGTON.

## CHAPTER 193.

## OF THE CITY OF WILMINGTON.

AN ACT to amend Chapter 177, Volume 24, Laws of Delaware, entitled "An Act to alter and re-establish the statutes relating to the City of Wilmington."

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (with the concurrence of two-thirds of all the members elected to each House) :*

Section 1. That Section 15, Chapter 177, Volume 24, Laws of Delaware, being an amendment to Section 31, Chapter 207, Volume 17, Laws of Delaware, be, and the same is hereby amended, by inserting between the word "annum" and the word "such" in the eighteenth and nineteenth lines thereof the following words, to wit: "provided, however, that the amount which shall be appropriated to the Board of Water Commissioners on or before the first day of June, A. D. 1911, for the next fiscal year, shall not be less than an amount equivalent to sixty per centum of the aggregate of all the rents, income, receipts, revenues and moneys collected by the Board of Water Cominssioners for the fiscal year beginning on the first day of July, A. D. 1909, and ending on the thirtieth day of June, A. D. 1910; and provided further, however, that the amount which shall be appropriated to the Board of Water Commissioners on or before the first day of June, A. D. 1912, for the next fiscal year, shall not be less than an amount equivalent to sixty per centum of the aggregate of all the rents, income, receipts, revenues and moneys collected by the Board of Water Commissioners for the fiscal year beginning on the first day of July, A. D. 1910, and ending on the thirtieth day of June, A. D. 1911."

Sec. 15.  
Chap. 177.  
Vol. 24.  
amended.

Amount to  
be appro-  
priated on  
or before  
first day of  
June 1911.

Amount to  
be appro-  
priated on  
or before first  
day of June  
1912.

Approved March 29, A. D. 1911.

## OF THE CITY OF WILMINGTON.

## CHAPTER 194.

## OF THE CITY OF WILMINGTON.

AN ACT to amend Chapter 177, Volume 24, Laws of Delaware, entitled, "An Act to alter and re-establish the statutes relating to the City of Wilmington," by providing when City officers of the City of Wilmington shall be elected and appointed.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of all the members elected to each House thereof concurring therein) :*

Sec. 1. Chap.  
177, Vol. 24,  
amended.

Section 1. That Section 1 of Chapter 177, Volume 24, Laws of Delaware, entitled, "An Act to Alter and Re-establish the Statutes relating to the City of Wilmington" be amended by striking out of said Section 1, the word "fourth" wherever it appears in said Section and inserting in lieu thereof the word "Second."

Word "second"  
inserted.

Sec. 3  
amended.

Section 2. That Section 3 of said Act be amended by striking out of said Section 3 the word "fourth" wherever it appears in said Section, and inserting in lieu thereof the word "second."

Sec. 4  
amended.

Section 3. That Section 4 of said Act be amended by striking out of said Section 4 the word "fourth" wherever it appears in said Section, and inserting in lieu thereof the word "Second."

Sec. 5  
amended.

Section 4. That Section 5 of said Act be amended by striking out of said Section 5 the word "fourth" wherever it appears in said Section, and inserting in lieu thereof the word "Second."

Sec. 6  
amended.

Section 5. That Section 6 of said Act be amended by striking out of said Section 6 the word "fourth" wherever it

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appears in said Section and inserting in lieu thereof the word "second."

Section 6. That Section 13 of said Act be amended by <sup>Sec. 13</sup> striking out of said Section 13 the word "fourth" wherever <sup>amended.</sup> it appears in said Section, and inserting in lieu thereof the word "second."

Approved April 4, A. D. 1911.

## OF THE CITY OF WILMINGTON.

## CHAPTER 195.

## OF THE CITY OF WILMINGTON.

AN ACT to establish the status of the persons now occupying certain offices in the City of Wilmington and performing the duties thereof.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two-thirds of all the members elected to each House thereof concurring therein) :*

Certain officers in the City of Wilmington to hold office and perform the duties until their successors are duly elected and qualified.

Section 1. That the following persons returned as elected to the following offices of Wilmington at the election held in said City on the first Saturday in June, A. D. 1909, shall hold the respective offices to which they were returned as elected and perform all the duties thereof until the first day of July, A. D. 1911, or until their successors are elected and qualified: J. Harvey Spruance, Mayor; James L. Banning, President of the Council; Charles G. Dempsey, Member of Council from the First Ward; Walter Rash, Member of Council from Second Ward; Edward A. Higgins, Member of Council from Third Ward; James Kane, Member of Council from Fourth Ward; Henry C. Taylor, Member of Council from Fifth Ward; Daniel P. DuRoss, Member of Council from Sixth Ward; Samuel H. Benson, Jr., Member of Council from Seventh Ward; Norman C. Downs, Member of Council from Eighth Ward; George L. Bilderback, Member of Council from Ninth Ward; Michael T. Conway, Member of Council from Tenth Ward; John J. McGovern, Member of Council from Eleventh Ward; Richard C. McMullen, Member of Council from Twelfth Ward; Howard D. Ross, City Treasurer; James H. Morris, Assessor and Collector for the City of Wilmington, Northern District and Eugene M. Sayers, Assessor and Collector for the City of Wilmington, Southern District.

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Section 2. That all persons appointed by any of the persons returned as elected to the respective offices of Wilmington at the election held in said City on the first Saturday in June, A. D. 1909 shall hold the respective offices to which they were appointed and perform all the duties thereof until their successors are appointed and qualified.

Approved April 4, A. D. 1911.

## OF THE CITY OF WILMINGTON.

## CHAPTER 196.

## OF THE CITY OF WILMINGTON.

AN ACT to Authorize the Board of Directors of the Street and Sewer Department of the City of Wilmington to appoint the officers of the Department of Engineering and Surveying in the City of Wilmington.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch thereof concurring herein) :*

Department of Engineering and Surveying to be under the control of the Street and Sewer Department.

Power to employ agents, servants, etc.

Section 1. That the Department of Engineering and Surveying of the City of Wilmington shall be under the exclusive control and jurisdiction of the Board of Directors of the Street and Sewer Department of said City, and said Board shall have full authority and power to appoint and employ all officers, agents, servants and employees it may deem necessary to enable it to exercise all the powers, and to discharge all the duties now possessed by, and imposed upon, the said Department of Engineering and Surveying, or any member, agent or employee thereof, by virtue of the charter, laws, ordinances, resolutions, rules and regulations of the City of Wilmington relating thereto; and generally, to enable it to efficiently manage the said Department.

May dismiss or discharge employees.

The said Board of Directors of the Street and Sewer Department may suspend, dismiss or discharge said officers, agents, servants or employees at pleasure.

Shall determine the compensation to be paid.

To make rules and regulations.

Said Board of Directors of the Street and Sewer Department shall determine the compensation to be paid said officers, agents, servants and employees, or to anyone so employed by it, and shall make all needful rules and regulations for the observance by said officers, agents, servants and employees that it may deem necessary relative to any work to be done in said Department.

## OF THE CITY OF WILMINGTON.

The said Board of Directors of the Street and Sewer Department may by resolution change any and all ordinances and resolutions now in force relating to the said Engineering and Surveying Department of the City or the powers and duties of the officers thereof. Until said ordinances and resolutions be changed as aforesaid, the said Board of Directors of the Street and Sewer Department shall stand in the same position as now occupied by Council, and in addition to the powers now possessed by said Board, it shall have, and may exercise, all the powers now possessed and exercised by, The Council relative to the said Department of Engineering and Surveying.

May change ordinances and resolutions.

May exercise all the powers now possessed and exercised by the Council.

Section 2. At the time of making the annual appropriation for the expenses of the said Board of Directors of the Street and Sewer Department, "The Council" shall, in addition to the said annual appropriation, also make an appropriation for the expenses of the said Department of Engineering and Surveying, equal in amount to that estimated by said Board of Directors and laid before "The Council" at the same time and in the same manner provided for the annual estimates of said Board of Directors, provided that the minimum amount of said additional appropriation shall not be less than seventy-three hundred and twenty dollars (\$7320.00).

Appropriation. How made.

Proviso.

The amount of the appropriation for the Department of Engineering and Surveying so made by "The Council" shall be paid to the said Board of Directors of the Street and Sewer Department in quarterly portions thereof at the same time the quarterly portions of the annual appropriations are made to said Board of Directors.

Amount of the appropriation. How paid.

Section 3. All acts or parts of acts inconsistent with this Act, be and the same are hereby repealed.

Approved April 4, A. D. 1911.



## OF THE CITY OF WILMINGTON.

## CHAPTER 197.

## OF THE CITY OF WILMINGTON.

AN ACT giving the Street and Sewer Department of the City of Wilmington power and authority to regulate steps, porches, cellar doors or other inlets to buildings in the City of Wilmington, and repealing all laws inconsistent herewith.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of all the members of each branch thereof, concurring therein) :*

Paragraph  
5, Sec. 3,  
Chap. 70,  
Vol. 3, re-  
pealed.

Section 1. That paragraph 5, of Section 3, of Chapter 70, Volume 3, Laws of Delaware, be and the same is, hereby repealed and stricken out and the following be, and the same hereby is inserted in lieu thereof :

Authority  
to regulate  
extent of  
steps,  
porches, etc.

"The Board of Directors of the Street and Sewer Department of the City of Wilmington is hereby given full power and authority to regulate the extent of steps, porches, cellar doors and other inlets hereafter constructed to buildings in the streets, lane or alleys of the City of Wilmington."

Parts that  
may be in-  
consistent  
repealed

Section 2. That so much of Section 124 of Chapter 207, Volume 17, Laws of Delaware, as conflicts with, or is inconsistent with, Section 1 of this Act, is hereby repealed.

Section 3. All acts, or parts of acts, inconsistent with this act, be and the same are hereby repealed.

Approved April 4, A. D. 1911.

## OF THE CITY OF WILMINGTON.

## CHAPTER 198.

## OF THE CITY OF WILMINGTON.

A FURTHER SUPPLEMENT to "An Act to provide for Public Parks for the use of the citizens of Wilmington and its vicinity," passed March 13th, 1883.

*Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met (two-thirds of all the members elected to each branch thereof, concurring therein) :*

Section 1. That the Mayor and Council of Wilmington is hereby empowered, under an ordinance or ordinances of the City Council to be passed with the concurrence of two-thirds of all the members thereof, to borrow a sum or sums not exceeding in the aggregate two hundred and fifty thousand dollars to be applied and expended in the purchase or acquisition, in the manner authorized by the act to which this is a supplement, of park or playground lands, and in the improvement of the parks and playgrounds of the City of Wilmington; provided, however, that any park or playground purchased with the money hereby authorized to be borrowed shall be located within the corporate limits of the City of Wilmington.

Power to borrow money in sums not to exceed in the aggregate \$250,000.

For what to be expended.

Proviso.

Section 2. That the bonds of the City of Wilmington authorized to be issued under the provisions of this Act shall be issued, and payment made in the manner provided by an act passed at Dover, February ninth, 1855, entitled "An Act to provide a sinking fund for the payment of the city debt of Wilmington," and the various amendments and supplements thereto.

Bonds to be issued.

Approved April 18, A. D. 1911.

## OF THE CITY OF WILMINGTON.

## CHAPTER 199.

## OF THE CITY OF WILMINGTON.

AN ACT to amend Section 8 of Chapter 188 of Volume 18 of the Laws of Delaware, being An Act in relation to the Streets and Sewers of the City of Wilmington.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two-thirds of each branch thereof herein concurring) :*

Sec. 8, Chap.  
188, Vol. 18,  
amended

Words in-  
serted.

Section 1. That Section 8 of Chapter 188 of Volume 18 of the Laws of Delaware be and the same is hereby amended by adding after the word "contract" at the end of the first sentence, the following words, to wit: "upon competitive bidding."

Section 2. That all Acts or parts of Acts inconsistent herewith are hereby repealed.

Approved March 29, A. D. 1911.

OF THE CITY OF WILMINGTON.

CHAPTER 200.

OF THE CITY OF WILMINGTON.

AN ACT to amend an Act entitled "An Act to establish a Board of Water Commissioners for the City of Wilmington and for other purposes."

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Section 1. The Board of Water Commissioners for the City of Wilmington in addition to the power and authority which it now has to distribute water within the corporate limits of the said City may, in its discretion, distribute the water throughout all that territory included within one mile of the boundary thereof.

Water Commission may distribute water in territory within one mile of city.

Section 2. The Board of Water Commissioners shall determine the person or persons, firm or firms, corporation or corporations to which it shall distribute the water throughout said territory included within one mile of the boundary of said corporate limits, shall regulate the use of said water and shall supply the same upon such terms and conditions as may be agreed upon by said person or persons, firm or firms, corporation or corporations and the said Board of Water Commissioners.

Shall determine persons and firms to which it shall distribute.

Use of water, terms and conditions.

Approved March 28, A. D. 1911.

## OF THE CITY OF WILMINGTON.

## CHAPTER 201.

## OF THE CITY OF WILMINGTON.

AN ACT to authorize the Board of Directors of the Street and Sewer Department of the City of Wilmington to have full power and authority over all trees planted and to be planted in any of the streets, highways, lanes, and alleys of said City and to appoint a City Forester and other Employees and assistants as may be necessary.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two-thirds of each branch thereof concurring herein) :*

To have full power and authority over all trees.

Section 1. That the Board of Directors of the Street and Sewer Department shall have full power and authority over all trees planted and to be planted in the streets, highways, lanes and alleys in the City of Wilmington, including the right to plant new trees and to care for the same and to remove trees, living or dead, and to train, spray and otherwise care for such trees.

Authorized to appoint a City Forester.

Section 2. The Board of Directors of the Street and Sewer Department of the City of Wilmington is authorized to appoint a City Forester and such other employees and assistants as may be necessary and to prescribe and define their respective duties and to fix the amount of their compensation. Such Forester shall be a man fully qualified and trained in the care and culture of trees.

Council shall grant such sum of money as may be required.

Section 3. The Council shall every year grant to the Board of Directors of the Street and Sewer Department such sum of money as it shall require, and as to the said Council shall appear reasonable and just for planting, maintaining and caring for the trees of the City, for purchasing or raising new trees and for all other expenses contemplated by the foregoing Sections; provided, however, that the money so appropriated shall not be less than the sum of Three Thou-

Shall not appropriate less than \$3,000 per annum.

OF THE CITY OF WILMINGTON.

sand Dollars per annum, and shall be appropriated by the Council to the said Board of Directors of the Street and Sewer Department in addition to any other appropriation of money made to the said Board of Directors of the Street and Sewer Department for any and all other purposes.

Section 4. This Act shall take effect immediately after its passage and shall be deemed and taken to be a public Act, and all Acts and parts of Acts inconsistent with the provisions of this Act be and the same are hereby repealed.

Approved April 4, A. D. 1911.

## OF THE CITY OF WILMINGTON.

## CHAPTER 202.

## OF THE CITY OF WILMINGTON.

AN ACT relating to the Assessment and Collection of taxes in and for the City of Wilmington, the same being an amendment to Section 76, Chapter 207, Volume 17, Laws of Delaware.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two-thirds of each branch thereof, concurring therein):*

Sec. 76,  
Chap. 207,  
Vol. 17,  
repealed.

Section 1. That Section 76, Chapter 207, Volume 17, Laws of Delaware, be and the same hereby is repealed and stricken out, and another section, to be known as section 76, be and the same hereby is inserted in lieu thereof, as follows:

Board to ex-  
ercise su-  
pervisory  
power.

"Sec. 76. The Board of Assessment, Revision and Appeals, or a majority of them, shall determine and do any of the acts hereinafter mentioned. They shall exercise a general and supervisory power over the assessors and collectors for the City, and shall cause them to make a faithful, full, fair and complete assessment of all persons and property in their respective districts liable for taxation under any of the provisions of this Act. The said Board shall have, and be invested with, all the powers of the Council, especially as set out in Section 86 of this Act, and may make and adopt all such needful and necessary rules and regulations as they may deem necessary and expedient, to make or cause to be made good, fair, equal, faithful and complete assessments of persons and property for city and school purposes, with full power at any time to examine the said assessments while the assessors and collectors are making them, and to cause the same to be conformed to such rules and regulations as the said Board has adopted or in the future may adopt in the premises,—and the said Board shall also have and possess all the rights and powers above mentioned to enable them

May make  
and adopt  
necessary  
rules and  
regulations.

Power to  
examine as-  
sessments  
while being  
made.

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to make good, perfect, effective and operative, any and all rights, powers and duties now possessed by, or imposed upon the said Board of Assessment, Revision and Appeals, or heretofore possessed by, or imposed upon, the said Board of Assessment, Revision and Appeals, under and by virtue of the Charter, Laws, ordinances, resolutions, rules and regulations concerning the assessment of property or persons for taxes for school purposes, required to be made, by the said Board of Assessment, Revision and Appeals; and to make complete, perfect, effective and operative its said powers, authorities and duties, as aforesaid, it may and shall have full power and authority to change, by rules and regulations by it duly adopted, any of the provisions contained in the charter, laws, ordinances, rules and regulations relating to, or in anywise affecting, the said City of Wilmington, in so far as the same relates, or may relate, to the assessment of property and persons, for school purposes, in the said City of Wilmington, and the collection of taxes thereon."

Power to  
make  
changes in  
any of the  
provisions.

Approved April 4, A. D. 1911.



## OF THE CITY OF WILMINGTON.

## CHAPTER 203.

## OF THE CITY OF WILMINGTON.

AN ACT relating to the assessment and collection of taxes in and for the City of Wilmington, the same being an amendment to Section 86, Chapter 207, Volume 17, Laws of Delaware.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two-thirds of each branch thereof concurring therein) :*

Sec. 86,  
Chap. 207,  
Vol. 17, re-  
pealed.

Section 1. That Section 86, Chapter 207, Volume 17, Laws of Delaware, be and the same hereby is repealed and stricken out and another section, to be known as section 86, be and the same hereby is inserted in lieu thereof, as follows:

Power con-  
cerning as-  
sessment  
and collec-  
tion of  
taxes.

"Sec. 86. The Council shall have power by ordinance to enjoin upon the Clerk of Council, the assessors and collectors, and the Board of Assessment, Revision and Appeals any powers and duties in addition to, or by way of change of, those in this Act specified, touching the assessment and collection of taxes for city and school purposes which it shall deem necessary or proper for carrying into effect and making effective all the provisions of this Act, touching and concerning the same, and especially concerning the assessment of property or persons for taxes for city and school purposes, whether said assessment be made, or be required to be made, by said assessors and collectors, or be made, or be required to be made, by the Board of Assessment, Revision and Appeals, and may enforce by suitable penalties any duties so enjoined by this Act or by such ordinance, as aforesaid."

May enforce  
any duties  
by suitable  
penalties.

Approved April 4, A. D. 1911.

OF THE CITY OF WILMINGTON.

CHAPTER 204.

OF THE CITY OF WILMINGTON.

AN ACT Relating to the Inspector of Oils and Fluids of the City of Wilmington.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two-thirds of the members elected to each House concurring therein) :*

Section 1. That on or after the expiration of the term of office of the Inspector of Oils and Fluids of the City of Wilmington, all the fees, costs, allowances and other perquisites which may thereafter be taxable and paid to the person holding said office for any official services rendered by the above officer, shall be for the sole use of the City of Wilmington, and when received shall be paid to the City Treasurer of the City of Wilmington.

All fees, costs, allowances, and other perquisites of office to be paid over to the city.

Section 2. That on and after the expiration of the term of office of the present Inspector of Oils and Fluids for the City of Wilmington, the said officer shall be paid in lieu of all fees, costs, allowances, perquisites, and other compensation of every kind for performing all the services, acts and duties of his office, such sum as shall be determined by the Council of the Mayor and Council of Wilmington.

Salary to be paid in lieu of such fees, costs, etc.

Section 3. All Acts or parts of Acts inconsistent herewith are hereby repealed.

Approved April 19, A. D. 1911.

## OF THE CITY OF WILMINGTON.

## CHAPTER 205.

## OF THE CITY OF WILMINGTON.

AN ACT confirming the sale of certain real estate in the City of Wilmington.

Preamble. Whereas, by an ordinance passed by the Council of the Mayor and Council of Wilmington, passed August 31, 1909, certain park lands of the Mayor and Council of Wilmington were authorized to be sold to the Baltimore and Philadelphia Railroad Company;

Preamble. And Whereas, doubts have arisen as to the legality of said sale and it being deemed necessary to have an act of the General Assembly confirming the same;

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (with the concurrence of two-thirds of all the members elected to each House) :*

Sale to be valid. Section 1. That the sale of the Real Estate aforesaid under the aforesaid ordinance shall be deemed and taken to be as valid to all intents and purposes as if the General Assembly had, prior to such sale, passed an act specifically authorizing the same; and the Mayor and Council of Wilmington is hereby authorized and empowered to cause a proper deed or deeds of conveyance to be made conveying said real estate in fee simple to the Baltimore and Philadelphia Railroad Company.

Parcel "A" described. Said real estate is described as follows: Parcel "A." Beginning at the east corner of Lovering Avenue and Dupont Street; thence along the southeast line of Dupont Street assumed as north forty-nine degrees and forty-four minutes east sixty-eight and ninety-one-hundredths feet; thence north sixty-five degrees and fifty-five minutes east

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two hundred and fifteen and twenty-nine one-hundredths feet to a point on the northeast line of Wawaset Street distant sixty feet from its intersection with the southeast line of Dupont Street; thence north fifty-eight degrees, eighteen minutes and fifty seconds east one hundred and thirty-one and fifty-one hundredths feet to a point distant ninety feet measured at right angles from the tangent of the centre line of the Baltimore and Philadelphia Railroad, Revision Wilmington to Concord, at Station 14 plus 95.49; thence by a curve to the right with a radius of 100 feet whose centre is on said tangent at Station 14 plus 51.9 for 59.62 feet to a point distant 50 feet measured at right angles from said tangent at Station 15 plus 38.5; thence by a line parallel to said tangent and centre line north sixty-nine degrees, fifty-six minutes and forty-five seconds east 201.5 feet, more or less, to the southwest bank of Brandywine Creek; thence in a southeasterly direction along said bank and crossing said centre line for 100 feet more or less, to a point distant 50 feet measured at right angles from said centre line; thence by a line parallel to said centre line south sixty-nine degrees, fifty-six minutes and forty-five seconds west 211.5 feet more or less, to a point distant 50 feet measured at right angles from the aforesaid tangent at Station 15 plus 28.5; thence by a curve to the right with a radius of 100 feet, whose centre is on said tangent at Station 14 plus 41.9 for 46.37 feet to a point distant 80 feet from said tangent at Station 15 plus 01.90; thence south seventy-four degrees and eighteen minutes west 388.11 feet to the northeast line of Lovering Avenue; thence along the northeast line of Lovering Avenue north forty degrees fifteen minutes and thirty seconds west 80 feet to the place of beginning, containing 1.733 acres, more or less.

Parcel "B." Beginning at the intersection of the southeast line of land now or late belonging to Jessup & Moore Paper Company with the centre line of the Baltimore and Philadelphia Railroad, Revision Wilmington to Concord, at Station 19 plus 30.96; thence along said southeast line north

Parcel "B" described.

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seventy-nine degrees and forty-six minutes east 115.62 feet to the southwest right of way limit of the Brandywine Branch of Philadelphia, Baltimore and Washington Railroad; thence along said right of way limit south eleven degrees fifty-five minutes and fifteen seconds each thirty and fifty-nine hundredths feet to a point distant 50 feet measured at right angles from said centre line; thence by a line parallel to said centre line south sixty-nine degrees, fifty-six minutes and forty-five seconds west 169 feet, more or less, to the northeast line of Brandywine Creek; thence in a northwesterly direction along the bank of said Creek for 60.3 feet, more or less, to the aforesaid southeast line of lands of Jessup & Moore; thence along said line of land of Jessup & Moore north seventy-nine degrees and forty-six minutes east, 60 feet, more or less, to the place of beginning; containing 0.178 acres, more or less.

Parcel "C."  
described.

Parcel "C." Beginning at the intersection of the southwest line of Eighteenth Street, 50 feet wide, with the centre line of the Baltimore and Philadelphia Railroad, Revision Wilmington to Concord, at Station 32 plus 92.92; thence along said southwest line of Eighteenth Street south thirty degrees, seven minutes and forty-five seconds east 50.78 feet; thence by a line parallel to said centre line, south sixty-nine degrees, fifty-six minutes and forty-five seconds west, 651.80 feet to a point distant 50 feet measured at right angles from said centre line at Station 26 plus 50; thence south sixty degrees, twenty-nine minutes west 152.07 feet to a point distant 75 feet measured at right angles from said centre line at Station 25 plus 00; thence south sixty-five degrees, fifty-six minutes and forty-five seconds west 215.01 feet to a point distant 90 feet measured at right angles from said centre line at Station 22 plus 85.51; thence by a curve to the right with a radius of 100 feet and whose centre is at Station 23 plus 29.10 of said centre line, for 59.62 feet to a point distant 50 feet measured at right angles from said centre line at Station 22 plus 42.5; thence by a line parallel to said centre line south sixty-nine degrees, fifty-six minutes and

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forty-five seconds west 111.71 feet to the northeasterly right-of-way limit of the Brandywine Branch of Philadelphia, Baltimore and Washington Railroad; thence along said right-of-way limit in a northwesterly direction by a curve to the right with a radius of 930.37 feet, through an angle of three degrees, five minutes and thirty-five seconds for 50.23 feet to the aforesaid centre line at Station 21 plus 35.29; thence continuing on said curve through an angle of two degrees, twenty-one minutes and thirty-four seconds for 38.31 feet; thence still along said right-of-way limit north ten degrees, fifty-nine minutes and forty-five seconds west 12.20 feet to a point distant 50 feet measured at right angles from said centre line; thence by a line parallel to said centre line north sixty-nine degrees fifty-six minutes and forty-five seconds east 86.30 feet to the present south right-of-way limit of the Baltimore & Philadelphia Railroad; thence along said right-of-way limit by a curve to the left with a radius of 99 feet and whose centre is at Station 156 plus 86 of the centre line of the Baltimore & Philadelphia Railroad as now constructed, for 64.52 feet; thence still along said right-of-way limit the following courses and distances, to wit: North sixty-three degrees, fifty-five minutes and forty-five seconds east 173.03 feet, north twenty-nine degrees, twenty-five minutes and forty-five seconds east 44.00 feet, north fifty-eight degrees and twenty-one minutes east 32.30 feet, north seventy-three degrees, nine minutes and thirty seconds east 500.10 feet and north seventy-two degrees, fifty-eight minutes and five seconds east 270.22 feet to the aforesaid southwest line of Eighteenth Street; thence along said southwest line of Eighteenth Street south thirty degrees, seven minutes and forty-five seconds east 26.77 feet to the place of beginning; containing 2.718 acres, together with all the right, title and interest of "The Mayor and Council of Wilmington" of, in and to all that portion of the bed of the Brandywine Creek which is included within the limits of the proposed new right-of-way, Wilmington and Concord Improvement.

Approved March 22, A. D. 1911.

## OF THE CITY OF WILMINGTON.

## CHAPTER 206.

## OF THE CITY OF WILMINGTON.

AN ACT to create a Board of Public Utility Commissioners for the City of Wilmington and prescribe its Duties.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (with the concurrence of two-thirds of all the members elected to each House) :*

Mayor to appoint five persons.

No more than three to be of same political faith.

One of such to be a resident of each of five districts.

Shall be appointed during month of July 1911.

Who shall not be eligible.

Term of office to commence.

How they shall be appointed.

Successor to be appointed for five years.

Section 1. The Mayor of the City of Wilmington shall, subject to confirmation by The Council of the said City, appoint five persons, citizens of the State of Delaware and residents of the City of Wilmington, no more than three of whom shall be of the same political faith, one of such persons to be a resident of each of the five representative districts in the City of Wilmington, who shall constitute and be a Board of Public Utility Commissioners for the City of Wilmington. The Commissioners first appointed under this Act shall be appointed by the Mayor of the City of Wilmington during the month of July, A. D. 1911.

No person shall be eligible to serve as a member of the Board who shall be employed by or hold any office in any transportation, lighting, telegraph or telephone company operating in the City of Wilmington, or in any way financially interested therein, or who is engaged in the practice of law.

The term of office of the Commissioners first appointed under this act shall commence on the first day of August, A. D. 1911; one of said commissioners shall be appointed for a term of one year, one for the term of two years, one for the term of three years, one for the term of four years, and one for the term of five years; and at the expiration of their respective terms, a successor shall be appointed by the Mayor

## OF THE CITY OF WILMINGTON.

of the said City for the full term of five years. All vacancies occurring by death, resignation or removal shall be filled for the unexpired term by appointment by the Mayor.

vacancies  
to be filled  
by Mayor.

Section 2. The members of the said Board shall each receive the sum of five dollars per day for each day's attendance at meetings of the said Board, which sums, as well as all other necessary expenses of the said Board in the performance of the duties under this act, shall be paid out of the moneys in the Treasury of the City of Wilmington upon orders of the Board drawn upon the City Treasurer and signed by the President of the Board, and the Council of said City is hereby authorized and directed to provide for the payment of such sums.

Compensa-  
tion of the  
members of  
Board.

Section 3. The Board shall organize by electing a President. The Secretary of the Mayor of the City of Wilmington shall act as the Secretary of the Board. The Board shall have an office in the City Hall in the City of Wilmington, and shall meet at such times and at such places as it may by rule provide, and shall be provided with all necessary stationery and supplies by The Council of the said City.

Shall elect a  
President.  
Secretary of  
Board.

Shall have  
an office in  
City Hall.  
Meeting of  
Board.

City Council  
shall provide  
supplies.

The Board shall have power to make all needful rules and regulations for its government and proceedings and shall have and adopt a seal. The Secretary shall record the proceedings of the Board and shall also perform such other duties as the Board shall require and designate.

Power to  
make rules  
and regula-  
tions.

Shall have a  
seal.

Duties of  
Secretary.

The Board may engage the services of experts to assist them in arriving at the proper determination of any question that may be brought before them for determination, provided, however, that the person so engaged shall be in no way associated with or interested in or employed by any firm or corporation whose business or operation is being examined, considered or investigated by said Board.

Board may  
engage ser-  
vices of ex-  
perts.

Expert shall  
not be asso-  
ciated with  
any firm or  
corporation  
whose busi-  
ness is being  
investigated.

Section 4. The said Board shall have supervision over all public utilities operating within the limits of the said City of Wilmington; and the term "Public Utilities" as used in this act is herein defined to include all street railway, ex-

Shall have  
supervision  
over all pub-  
lic utilities.

What the  
term "Public  
Utilities" is



## OF THE CITY OF WILMINGTON.

defined to include.

press, traction, gas, electric light, heat and power, water, telephone and telegraph corporations, associations or joint stock companies operating within the limits of the City of Wilmington for public use.

Shall have general supervision

The said Board shall have general supervision over all public utilities as herein defined, within the limits of the City of Wilmington, and shall have power, after hearing upon notice, by order in writing:

To require compliance with the laws of the State, and ordinance of the City of Wilmington.

a. To require every such public utility as herein defined to comply with the laws of this State relating thereto or with any legally adopted ordinance or regulation of the said City of Wilmington or with any of the terms of the franchise under which such public utility operates.

To furnish safe and adequate service.

b. To require every such public utility as herein defined to furnish safe and adequate service.

To keep its books and records in proper manner

c. To require every such public utility as herein defined to keep its books, records and documents so as to afford an intelligent understanding of its business.

To prevent unjust, unfair and unreasonable discriminations.

d. To direct any such public utility as herein defined, found to be granting unjust, unfair or unreasonable discriminations, to immediately cease from so doing.

To investigate any accident

e. To investigate any accident happening in the said City of Wilmington in connection with any such public utility as herein defined.

To hear and examine complaints, and make recommendations

f. To hear and examine complaints concerning rates charged by any such public utility as herein defined, and to make such recommendations and orders as it may deem proper concerning such rates.

To see laws are complied with, and to cause action to be brought for violation.

g. To make such recommendations as it may see fit to concerning such public utility as herein defined, and to see that all laws of the State and all lawful ordinances of the City of Wilmington are complied with by such public utility, and it shall cause action to be brought against any such pub-

## OF THE CITY OF WILMINGTON.

lic utility violating any such law or ordinances through the Attorney General of the State of Delaware or the City Solicitor of the City of Wilmington.

Section 5. The said Board shall have the power to compel the attendance of witnesses and the production of books, papers, accounts and documents, to swear witnesses and to issue subpoenas. The subpoenas issued by the said Board shall be signed by the President or by any Commissioner and by the Secretary, and may be served by any person of full age. The fees of witnesses required to attend before the Board shall be one dollar for each day's attendance, and three cents per mile for each mile necessarily travelled in going to and from the place of attendance, such fees to be paid by the City Treasurer of said City upon orders signed by the President of the Board. If a person subpoenaed to attend before the Board fails to obey the command of such subpoena without reasonable cause, or if a person in attendance before the Board refuses without reasonable cause to be examined or to answer a legal or pertinent question, or to produce a book or paper, when ordered so to do by the Board, the Board may apply to the Superior Court of the State of Delaware in and for New Castle County, or to any judge thereof, who shall have the power of the Court for that purpose, upon proof by affidavit to the facts, for an order returnable in not less than three days, directing such person to show cause before the Court or Judge who made the order, why he should not comply with the subpoena or order of the Board; upon the return of such order the Court or Judge before whom the matter may come for hearing shall examine such person under oath, and such person shall be given an opportunity to be heard, and if the Court or the Judge shall determine that such person refused, without reasonable cause or legal excuse, to be examined, or to answer a legal or pertinent question, or to produce a book or paper which he was ordered to bring, it or he may order the said person to comply forthwith with the subpoena or order of the Board, and in default of such compliance, may commit

Shall have power to compel attendance of witnesses, etc.

To swear witnesses and issue subpoenas.

Who may serve subpoenas.

Fees of witnesses.

How fees are to be paid.

If a person subpoenaed fails to obey, Board may apply to Superior Court.

## OF THE CITY OF WILMINGTON.

May commit  
for con-  
tempt. such person for contempt for a term not exceeding ninety days, unless he shall sooner comply with the subpoena or order.

How orders  
may be  
served.

Section 6. All orders made by said Board pursuant to the power and authority given by this act, shall be served on the public utility to be affected thereby, within a reasonable time after such order is made by the delivery of a certified copy thereof to the person to be affected thereby, or to any officer or agent of any corporation, association or joint stock company upon whom a summons may be served in accordance with the provisions of the laws of this State. Such order or orders shall take effect within a reasonable time, such time to be fixed in such order. Within thirty days from the date of service of any such order or orders, any party to the proceedings, person or company affected may appeal from such order or orders to the Superior Court of the State of Delaware, by filing a notice of appeal, setting forth the order appealed from, with the Prothonotary of the said Court, which said Court is hereby given jurisdiction to hear and determine such appeal on the merits of the matters forming the basis of the order. The taking of an appeal shall not stay the operation of the order appealed from, but a stay may be granted by the Court in its discretion, either with or without terms and conditions. The form of procedure, except as herein outlined, shall be prescribed by the said Court by rule. In default of compliance with the said order when the same shall have become operative, said person, corporation, association or joint stock company, upon whom said order shall have been made, shall be subject to a penalty not exceeding one hundred dollars per day for the violation thereof, to be recovered in the said Superior Court in an action of debt at the suit of the Board.

May appeal  
from such  
order

Notice of  
appeal

Effect of the  
appeal.

Form of  
procedure

Penalty for  
default of  
compliance.

Privilege or  
franchise  
shall be ap-  
proved by  
the Board.

Section 7. No privilege or franchise hereafter granted to any public utility, as herein defined, by any municipal governing body or department, shall be valid until approved by said Board, whenever it shall determine that such privi-

## OF THE CITY OF WILMINGTON.

lege or franchise is necessary and proper for the public convenience.

Section 8. Any public utility, as the same has been hereinbefore defined, may appeal to the said Board from any order or regulation made by any municipal governing body or department, and said Board is hereby given jurisdiction to hear said appeal and to determine the matter in question on its merits, and to make such order in the premises as may seem just and reasonable.

Any public utility may appeal to Board.

No such public utility, as hereinbefore defined, shall hereafter give, grant or bestow, upon any public official, any discrimination, gratuity, or free service whatsoever, but nothing herein contained shall prevent the free transportation of uniformed public officers while engaged in the performance of their public duties.

Shall not bestow any gratuity or free service.

Transportation of uniformed public officers.

Section 9. The City Solicitor in the City of Wilmington shall be the legal advisor for the said Board, and the said Board shall make an annual report of its proceedings to the Mayor of the said City.

City Solicitor to be legal advisor.

Annual report.

Approved March 29, A. D. 1911.

## OF THE CITY OF WILMINGTON.

## CHAPTER 207.

## OF THE CITY OF WILMINGTON.

AN ACT to amend an Act entitled, "An Act to prevent bogus sales within the City of Wilmington," being Chapter 661, Volume 18, Laws of Delaware.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Chap. 661,  
Vol. 18,  
amended.

Section 1. That the Act entitled "An Act to prevent bogus sales within the City of Wilmington," being Chapter 661, Volume 18, Laws of Delaware, be and the same is hereby amended by adding a new section to said Act, said new section to be known as Section 2, in the words following:

Agent may  
be proceed-  
ed against  
as principal.

"Section 2. Any person or persons acting as the agent or agents of any person offending against the provisions of this Act shall be proceeded against as principals and shall be punished in accordance with the provisions of this Act."

Section 2. All acts and parts of acts inconsistent with this Act are hereby repealed.

Approved April 13, A. D. 1911.

## OF THE CITY OF WILMINGTON.

## CHAPTER 208.

## OF THE CITY OF WILMINGTON.

AN ACT to establish a retirement fund for pensioning teachers of the public schools in the City of Wilmington, and to regulate the collection, management and disbursement thereof.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two-thirds of each branch thereof concurring therein) :*

Section 1. The general care and management of the retirement fund of the public school teachers in the City of Wilmington is hereby given to a Board of Retirement, which shall consist of the president and chairman of the teachers' committee of the Board of Public Education in Wilmington as now constituted, or as it shall hereafter be constituted, the treasurer of the City of Wilmington, the superintendent of public schools in the City of Wilmington, and three members of the teaching staff of the public schools of the City of Wilmington, which last-named shall be chosen by ballot at a meeting of the teachers, called sometime during the month of May of each year by the superintendent of public schools. At this meeting any vacancy in the members of the Board of Retirement to be chosen from among the teachers, shall be elected by ballot. The three members chosen at the first election from among the teachers shall determine by lot one member who shall serve for three years, one member who shall serve for two years, and the remaining member who shall serve for one year, and thereafter one member shall be elected each year. Said board shall establish from time to time, such rules and regulations for the administration of said fund as it may deem best, and said board shall make payments from said fund of annuities granted in pursuance of this act.

Board of Retirement.

Shall consist of whom.

Vacancies in the Board.

Terms of office. How determined.

Shall establish rules and regulations.

## OF THE CITY OF WILMINGTON.

Treasurer  
of the City  
of Wilmington  
to be  
custodian  
of fund.  
How to be  
invested.

Not to ex-  
ceed sixty-  
five per cent.

Board shall  
direct pay-  
ments.

Shall report  
annually.

Shall give  
bond.

The treasurer of the City of Wilmington shall receive and hold all moneys belonging to said fund, and invest the same, by direction of said Board of Retirement, in national, state, county or municipal bonds, or bonds accompanied by first mortgages on improved real estate to an extent not to exceed sixty-five per cent of the value thereof, or in such investments as are legal for insurance companies in the State of Delaware. He shall make payments from said fund only when directed by said Board of Retirement. He shall report in detail to said Board of Retirement, annually in the month of May, or oftener if required by said Board, the condition of said fund and the items of the receipts and disbursements of the same. He shall give surety bond for the faithful performance of his duties in an amount and in such manner as prescribed by the Board of Retirement, and the cost of such bonds shall be defrayed from the funds of the Board of Retirement.

What fund  
shall con-  
sist of.

Sum of \$1000  
to be pro-  
vided by  
Board of  
Education.

Section 2. The retirement fund shall consist of the following, with interest, income and profits thereof:

1. The sum of not less than one thousand dollars yearly to be provided by the Board of Education in Wilmington, the first of said appropriations to be made for the fiscal year beginning July 1, 1911.

Moneys re-  
ceived from  
donations,  
etc.

2. All moneys received from donations, legacies, bequests, gifts, devices, or otherwise, for or on account of said fund.

Sum of \$2000  
to be pro-  
vided for by  
City Council.

3. The sum of not less than two thousand dollars yearly to be provided for by the Council of the City of Wilmington, the first of said appropriations to be made for the fiscal year beginning July 1, 1911.

One per cent.  
of teachers'  
salaries.

Two per  
cent. of sal-  
aries.

4. One percentum of the salaries of all teachers of the public schools of the City of Wilmington who have been teaching in said public schools ten years or under; two percentum of the salaries of all teachers who have been teaching more than ten years and not more than twenty years;

## OF THE CITY OF WILMINGTON.

three percentum of the salaries of all teachers who have been teaching more than twenty years, provided, however, that no teacher shall be required to pay more than Fifty dollars in any one year. The Board of Public Education in Wilmington after September first, nineteen hundred and eleven, shall deduct from each and every pay-roll of the teachers, the amount provided in said schedule in this paragraph hereinbefore mentioned out of each and every amount earned and credited to each teacher in the period covered by said pay-roll, and said board shall certify monthly to the treasurer of the City of Wilmington, the amounts so deducted, and said amounts shall be turned into said retirement fund.

Three per cent of salaries.  
Shall not be required to pay more than \$50 in any one year.  
Board of Education shall deduct the amount.  
Shall certify monthly.  
Amounts turned into retirement fund.

Each contract made by the Board of Public Education in Wilmington with teachers after the passage of this act, shall specify that the sums in this paragraph provided shall be deducted from each and every teacher's salary. The Board of Retirement, by by-laws or other regulations, shall provide the method and amount of reimbursement of any contributor to the retirement fund who shall retire from service as teacher and shall not be in receipt of or entitled to an annuity under this act, and also shall provide the conditions under which a teacher so retired, but who returns to the service, shall again become eligible to receive benefits under this act.

Each contract shall specify that the sum is to be deducted.  
Reimbursement in case of retirement from service.  
In case of a return to service after retirement.

5. All such other methods of increment as may be duly and legally devised for the increase of said fund.

Section 3. The Board of Retirement shall have power to retire any of the teachers of the public schools of the City of Wilmington, who, in the discretion of said board, is incapacitated for the performance of duty, and who has been engaged in the work of teaching for a period aggregating twenty years, fifteen of which shall have been in the public schools of the City of Wilmington.

Board to have power to retire teachers.

The Board of Retirement may retire any teacher who shall have attained the age of sixty-five years, and who shall



## OF THE CITY OF WILMINGTON.

have been engaged in the work of teaching for a period aggregating thirty years.

The Board of Retirement shall retire, upon his or her application, any teacher who shall have been engaged in the work of teaching for a period aggregating thirty-five years, twenty of which shall have been in the public schools of the City of Wilmington.

Shall be entitled to an annuity.

Section 4. Upon such retirement, whether voluntary or otherwise, the person retired shall be entitled to an annuity out of the retirement fund of the sum of Four hundred dollars. Any person retired after twenty years of service, but with less than thirty-five years of service, shall receive an annuity which bears the same ratio to the annuity provided for on retirement after thirty-five years of service, as the total number of years of service of said person bears to thirty-five years.

How annuities shall be paid.

The annuities provided for in this act shall be payable at such times and in such manner as the by-laws shall prescribe. If the moneys in the retirement fund be inadequate at any time to fully carry out the provisions of this act as herein provided, the Board of Retirement shall then distribute said moneys pro rata to the persons entitled to participate in said fund, and such distribution shall be in full for all annuities then due.

Shall have paid in \$400.

When contributions shall cease.

No annuity shall be paid to any teacher who has not paid into the retirement fund the sum of four hundred dollars. When the total contributions of a teacher to said fund reach the sum of four hundred dollars such contributions shall cease.

Exempt from attachment, etc.

Shall not be subject to assignment, etc.

Section 5. All annuities granted and payable under the provisions of this act, shall be and are exempt from seizure or levy upon attachment, execution, or any other process of law, or in equity, whether mesne or final; and such annuities or any payment of the same, shall not be subject to sale,

## OF THE CITY OF WILMINGTON.

assignment or transfer by any beneficiary, and such transfer shall be absolutely void.

Section 6. The Board of Retirement shall have power to make all necessary by-laws and regulations for the holding of meetings, the collection and disbursements of money, and the care and preservation of the same, and the proper execution of the provisions and purposes of this act.

Power to make by-laws and regulations.

Section 7. The term "teacher," as used in this act, shall mean and include any superintendent, assistant superintendent, principal, assistant principal, person in charge of any special department of instruction, and any teacher or instructor regularly employed as such by the Board of Public Education in Wilmington.

What the term "teacher" includes.

The term "Board of Public Education in Wilmington," as used in this act, shall mean the body now in control and management of the public schools of Wilmington as now created and constituted or as it may be constituted hereafter, or any board or body of officials who shall have the control and management of the public schools of the City of Wilmington.

What is meant by the term "Board of Public Education."

Section 8. This act shall be taken to be a public act.

Approved March 14, A. D. 1911.

## OF CITIES AND TOWNS.

## CHAPTER 209.

## OF CITIES AND TOWNS.

AN ACT in reference to elections in the City of New Castle.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of all the members of each House elected thereto concurring therein) :*

Uniform  
ballots.

Section 1. That at all elections held in the City of New Castle for officers of the City, or Trustees of the Court House uniform ballots shall be used.

Candidate  
shall file  
notice of  
intention.

Section 2. Any person intending to become a candidate for the offices of Mayor, President of Council, Member of Council, Treasurer, Assessor, Inspector, or Commissioner of the Court House, or any other office hereafter created, at any biennial election held in New Castle on the second Tuesday of April in every year, after a general election, shall at least ten days before said election, file with the Clerk of Council (and in case of his absence with the President of Council) a written notice of his intention to become a candidate, stating the office he is a candidate for and paying the fee hereinafter provided for, provided that no person shall be a candidate for more than one office at any election.

Preparation  
of ballots

Section 3. It shall be the duty of the Clerk of the Council (or in his absence the President of Council) to prepare and have printed a sufficient number of ballots to be used at each election mentioned aforesaid, using only the names of candidates who have complied with the provisions of Section 2 of this Act, said ballots to be of uniform size, the candidates for each office to be arranged alphabetically, with instructions thereon how many persons are to be voted for, for each office. One thousand ballots being delivered on the

Delivery of  
ballots

## OF CITIES AND TOWNS.

morning of election day to each Inspector without charge and as many to any candidate as he may desire, charging said candidate the actual cost of printing said ballots, said candidate being entitled to receive the same at least two days before election day.

Section 4. A voter in designating the candidate who he wishes to vote for shall leave unmarked such name or names on the ballot and those he does not wish to vote for he will draw a line through their name or names, using pencil, ink or crayon. In case of candidates for a certain office that the voter does not properly designate his choice, this shall not be construed to spoil his ballot for any candidates for any other offices that are properly marked and designated.

How to  
mark ballot.

Inspectors and Judges of Election shall not canvass or count any ballots that are cast for any person not on the official ballot herein provided for.

Names not  
on official  
ballot.

Section 5. When filing their names as provided in Section 2 of this Act, candidates shall pay to the Clerk of Council the following fees which shall be turned over to the City Treasurer:

Fees for fil-  
ing names.

Mayor, Five Dollars.

President of Council, One Dollar.

Treasurer, Two Dollars.

Assessor, Two Dollars.

Member of Council, One Dollar.

Inspector, No charge.

Trustee of Court House, One Dollar.

And for any other office hereafter created an amount to be named by Council.

Section 6. In the case of death, resignation or any other cause a candidate whose name has been printed on a

In case of  
death, resig-  
nation, &c.,  
of candidate.

## OF CITIES AND TOWNS.

ballot could not serve if elected, and there be remaining only one candidate for the office, it shall be lawful to use a sticker on the ballots, which stickers shall be furnished by the Clerk of Council to the Inspectors of the several election districts.

Approved March 28, A. D. 1911.

## OF CITIES AND TOWNS.

## CHAPTER 210.

## OF CITIES AND TOWNS.

AN ACT to amend Chapter 152, Volume 15, Laws of Delaware, being An Act entitled "An Act to incorporate the City of New Castle" by changing the boundaries of said City.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two-thirds of all the members elected to each House concurring therein):*

Section 1. That Chapter 152, Volume 15, Laws of Delaware, entitled "An Act to incorporate the City of New Castle," be and the same is hereby amended by striking out all of Section 1 of said Act after the enacting clause of said Act, and inserting in lieu thereof the following:

Chap. 152,  
Vol. 15,  
amended.

"Section 1. The City of New Castle shall hereafter be bounded as follows: Beginning at a point in the center line of Delaware Street extended in a south-easterly direction, being four hundred and sixty-four feet from the center stone at the intersection of the center lines of Front and Delaware streets; thence in a south-westerly direction in a straight line to a point in the center line of South Street extended nine hundred and five feet from the center stone at the intersection of the center lines of South and Pearl Streets; thence in a south-westerly direction in a straight line to a point in the center line of Johnson street extended seven hundred and eighty-six feet from the center stone at the intersection of the center lines of Johnson and Fourth Streets, thence north-westerly along the line of Johnson street to low water mark; thence by the line of low water mark south-westerly to the north-easterly line of Hickman street extended as laid out on the plot of the City of New Castle; thence north-westerly along said north-easterly line of Hick-

Boundaries  
of city of  
New Castle.

## OF CITIES AND TOWNS.

man street to the easterly line of the Hamburg or River Road; thence northerly by the easterly line of the Hamburg Road to the north-easterly line of Taylor street, as laid out on the plot of the City of New Castle; thence north-westerly by the north-easterly line of Taylor street to the south-easterly line of Fourteenth street as laid out on the plot of the City of New Castle; thence north-easterly along the south-easterly line of Fourteenth street to the southerly line of the New Castle and Frenchtown Turnpike; thence easterly along the southerly line of said Turnpike to the south-easterly line of the continuation of Fourteenth street extended as laid out on the plot of the City of New Castle; thence north-easterly by the said south-easterly line of Fourteenth street to the intersection of said Fourteenth street with the north-westerly line of the right of way of the Delaware Railroad Company; thence northerly along said north-westerly line of said railroad right of way to the intersection of the center line of the main canal or ditch known as the Narrow Dyke; thence easterly by the center line of said Narrow Dyke to the line between the farm of the heirs of Julian D. Janvier, and the farm of the heirs of Victor duPont; thence following said dividing line between said farms to the south-westerly side of the public road known as Moore Avenue; thence south-easterly by the south-westerly side of said Moore Avenue to the north-westerly line of the tract known as "Baldton;" thence north-easterly and crossing Moore Avenue by the line of the said tract "Baldton," to the corner of said tract; thence south-easterly by the north-easterly line of said tract "Baldton" and continuing the same and crossing the public road leading from New Castle to Wilmington to the easterly line of the said public road; thence northerly by the easterly line of the said public road leading from New Castle to Wilmington to the north-eastern line of School District number forty-six; thence south-easterly by the north-easterly line of School District number forty-six to low water mark on the Delaware River; thence south-westerly by the said line of low water mark to North street extended as laid out on the plot of the City of New Castle; thence

## OF CITIES AND TOWNS.

south-easterly along North Street extended to a point seven hundred and nine feet from the center stone at the intersection of the center lines of Market (or Second) and North streets; thence south-westerly in a straight line to a point in the center line of Chestnut street extended, eight hundred and twelve feet six inches from the center stone at the intersection of the center lines of Chestnut and Market (or Second) streets; thence south-westerly in a straight line to the east corner of the rectangular pier off Truss (or Harmony street) wharf; thence along the outer face of said pier to the south-west corner of the same; thence south-westerly in a straight line to the south corner of Jefferson's (or Lea's) wharf; thence in a straight line to a point in the center line of Delaware street, the place of beginning."

Section 2. That this amendment shall take effect from and after April 15, 1911.

Approved March 17, A. D. 1911.



## OF CITIES AND TOWNS.

## CHAPTER 211.

## OF CITIES AND TOWNS.

AN ACT to supplement an Act, entitled, "An Act to amend Section 18, Chapter 152, of Volume 15, Laws of Delaware, entitled, "An Act to incorporate the City of New Castle;" published as Chapter 180 of Volume 25 of the Laws of Delaware.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (with the concurrence of two-thirds of all the members elected to each House of the General Assembly) :*

Sec. 18,  
Chap. 152,  
Vol. 15, pub-  
lished as  
Chap. 180,  
Vol. 25, sup-  
plemented

Section 1. That the act entitled, "An Act to amend Section 18, Chapter 152, of Volume 15, Laws of Delaware, entitled, "An Act to incorporate the City of New Castle;" published as Chapter 180 of Volume 25 of the Laws of Delaware, be and the same is hereby supplemented, by adding to said Act and incorporating as a part thereof, the words following, to wit: "That it shall be lawful for the City Council of New Castle, and it is hereby authorized and empowered to annually appoint and employ two suitable and competent persons, at a reasonable compensation to be fixed by it, to aid it in the performance of its duties as such Court of Appeals. One of which such persons shall be selected and appointed from each of the two principal political parties.

Authorized  
to employ  
two assist-  
ants.

Compensa-  
tion.  
One selected  
from each  
party.

Duty of such  
persons

It shall be the duty of such persons, in conjunction with the City Assessor or otherwise, to investigate, ascertain and report to said Council, for its information, in such manner as the Council may direct, what in their opinion, is the true assessable value, of each and all of the assessable property within said City. To aid them in this purpose, they shall have access, for inspection and examination, to any and all, the assessment lists of said city, at any time.

Shall have  
access to  
assessment  
lists.

Approved March 30, A. D. 1911.

OF CITIES AND TOWNS.

CHAPTER 212.

OF CITIES AND TOWNS.

AN ACT to amend Section 10 of Chapter 152, Volume 15, Laws of Delaware, entitled, "An Act to incorporate the City of New Castle," relating to the powers of the Mayor.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (with the concurrence of two-thirds of all the members elected to each House) :*

Section 1. That Section 10 of Chapter 152, Volume 15, Laws of Delaware, entitled "An Act to incorporate the City of New Castle," be, and the same is hereby amended by striking out of said section the word "ten" where it occurs in the twenty-fifth line of said section, and inserting in lieu thereof the word "thirty."

Sec. 10,  
Chap. 152,  
Vol. 15,  
amended.

Approved March 17, A. D. 1911.

## OF CITIES AND TOWNS.

## CHAPTER 213.

## OF CITIES AND TOWNS.

AN ACT to supplement Section 16, Chapter 152, of Volume 15 of the Laws of Delaware, being "An Act to incorporate the City of New Castle," in relation to pavements, curbs and gutters.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (with the concurrence of two-thirds of all the members of each House of the General Assembly) :*

Sec. 16,  
Chap. 152,  
Vol. 15, sup-  
plemented.

Section 1. That Section 16, Chapter 152 of Volume 15, of the Laws of Delaware, being "An Act to incorporate the City of New Castle," in relation to pavements, curbs and gutters, be and is hereby supplemented by adding to said section, the words following, to wit:

Notice to be  
given by the  
City Council.

"Whenever the said City Council shall have determined by resolution or ordinance, that any paving of a side walk or any curbing is necessary and shall be done, or any gutters shall be made or cut or kept cleaned, they shall notify the owners of the land in front or abutting on whose premises the same is to be done, cut or kept clean, particularly designating the nature, extent and character of the work they deem necessary to be done; and thereupon it shall be the duty of such owner to cause said paving, curbing, cutting of gutters or keeping said gutters clean, to be done in conformity with said notice. In the event of any owner neglecting to comply with said notice for the space of thirty days, in respect to said paving, curbing or cutting of gutters and for the space of ten days, in respect to keeping said gutters clean, the said city council may proceed to have the said work done and to recover the costs and expenses thereof by distress and sale of the goods and chattels, within the said city, of such owner so neglecting; or suit may be brought

Council may  
proceed to  
have work  
done in case  
of neglect

May recover  
the costs  
and ex-  
penses

## OF CITIES AND TOWNS.

against said owner, in the name of "The Mayor and Council of New Castle," for said costs and expenses, judgment recovered and execution issued and proceeded upon in the usual way provided by law for the collection of judgments. In all cases of sale however by distress or execution, notice thereof of the day, hour and place of sale, and a description of the property to be sold, shall be given by public advertisements, posted in at least ten public places in said city. The proceeds of any such sale shall be first applied towards paying all costs and expenses as contemplated by this act, and any and all surplus thereafter remaining shall be given or returned to the owner of the property so taken and sold. This act and the same rule shall apply and the same proceedings had, upon any order or resolution made by said city council in relation to any pavement, curb or gutter, now existing or heretofore made, which the said council may deem defective, insufficient, out of repair or unclean. In case the owner of the premises does not reside in said city, notice as aforesaid to the agent of said owner or to the occupier of said lands and premises shall be sufficient and notice to one of several co-owners, co-occupiers or co-agents shall be notice to all.

Public notice of sale shall be given.

Proceeds of sale.

Act to be general in application.

Notice to non-resident owners.

And the said City Council shall also have the additional authority to enforce all the requirements of this section by such fines and penalties as shall in the judgment of said Council, be necessary and proper, and prescribe the manner of enforcing the same.

May impose fines and penalties.

Approved March 30, A. D 1911.

## OF CITIES AND TOWNS.

## CHAPTER 214.

## OF CITIES AND TOWNS.

AN ACT to Authorize "The Mayor and Council of New Castle" to Acquire or Construct, and to Maintain and Operate a System of Water Supply for the use of the City of New Castle and its Inhabitants.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (with the concurrence of two-thirds of all the members of each House of the General Assembly) :*

Authorized  
to construct  
water works.

May acquire  
by purchase.

Section 1. That it shall and may be lawful, and it is hereby authorized and empowered so to do, for "The Mayor and Council of New Castle," acting in this behalf, by and through the Commission hereafter provided for, to build, construct, maintain and operate, under such rules and regulations as said Commission may deem necessary and proper, a water plant, water supply or water works, for the use and benefit of the city of New Castle and its inhabitants:—Or it is, in like manner, authorized and empowered to acquire by purchase, lease or otherwise from the corporation known as the "Delaware Water Improvement Company," all the property, franchise, real and personal estate and fixtures belonging to the said company, and to hold, operate and use the same, through and by said Commission for the use and benefit of the said City of New Castle and its inhabitants, under such regulations and rules as the said Commissioners shall appoint and establish. And upon such acquisition the said "The Mayor and Council of New Castle," shall succeed to and enjoy all the rights and be clothed with all the corporate powers conferred upon and now belonging to the said "Delaware Water Improvement Company," by virtue of any law or authority whatsoever, in respect to its water rights.

## OF CITIES AND TOWNS.

Section 2. That for the purposes set forth in section 1 of this act, the said "The Mayor and Council of New Castle," shall be and they are hereby authorized and empowered to borrow, upon the credit of the said city, such sum or sums of money as may be deemed necessary, not exceeding the sum of one hundred thousand dollars; and for that purpose may issue certificates of indebtedness of such denominations, in such form, payable at such time, not exceeding thirty years from the date thereof, and bearing such rate of interest, not exceeding five per cent per annum, as the said city council may deem expedient. Which said sums of money as soon as the same are raised, shall be paid over to the five commissioners hereinafter to be elected and appointed under the provisions of this act, to be drawn out and used, by the said commissioners for the purposes of this act only. Provided, however, that the said "The Mayor and Council of New Castle," shall not at any time have the right or power to issue said certificates of indebtedness or any of them, until a special election of the citizens of New Castle has been held by three persons appointed so to do, by the said City Council, not of their body, and a majority of the votes cast at such election has been ascertained to be in favor of the issuance thereof. That the persons holding said election shall be paid a reasonable fee to be fixed by the said city council out of the monies of the city. Any person, male or female, who has been assessed and paid a property or poll tax for the year next preceding any such election shall be entitled to vote, (and no others,) one vote for every one hundred dollars of assessment (no fraction of one hundred dollars to be taken into consideration). A city tax receipt shall be the best evidence that such tax has been paid. The city council of New Castle shall furnish the election officers, so holding said election, with the assessment book or a certified copy of the same, of the next preceding year to which any such election is held, pursuant to the provisions of this section. As many elections may be held in the manner aforesaid as the City

Power to borrow money.

Not to exceed \$100,000.

Interest.

Commissioners.

Special election.

Fee.

Right to vote.

## OF CITIES AND TOWNS.

Council may deem necessary to accomplish the objects and purposes of this act.

Annual tax. Section 3. In order to provide for the payment of the interest on said certificates of indebtedness, the city council of New Castle shall raise annually, by taxation of the persons and property within the limits of said city, (according to the provisions of the Act of Assembly, entitled, "An Act to incorporate the City of New Castle," passed at Dover, February 25th, 1875, and any amendments or supplements thereto in relation to the assessment and collection of taxes within said City,) such sum as may be necessary for the purpose of paying said interest; and should there be any surplus of said taxes, after paying said interest, it shall be paid into the City \*Treasurer and their held, as a sinking fund to assist in the payment and liquidation of said certificates of indebtedness as they may become due and payable.

Sinking fund.

Time of holding election. Section 4. The said city council of New Castle shall by proclamation designate a day, hour and place to be fixed by them upon and at which an election shall be held to elect five commissioners to carry into effect the provisions of this act. At said election five persons receiving the greatest number of votes shall be declared elected. Any person who has been assessed and paid a property or poll tax for the year next preceding the year in which any election is held under the provisions of this Act, shall on personally appearing before the election officers provided for in this Act to be entitled to one vote for every one hundred dollars of assessment (no fraction of one hundred dollars to be taken into consideration). A city tax receipt to be the best evidence that such tax has been paid. The said city council shall furnish such election officers, so holding said election, with the assessment book or a certified copy of the same of the next preceding year to which any such election is held. The city council shall appoint an inspector and two judges to hold such elec-

Who entitled to vote.

Inspector, judges, compensation of.

\*So enrolled.

## OF CITIES AND TOWNS.

tion and shall fix and pay to them a reasonable compensation out of monies belonging to the city.

Section 5. That said commissioners within thirty days after their election as aforesaid shall draw lot for the different terms to wit: of one, two, three, four and five years, the highest number to take the longest term, and so on down to the lowest term. When successors shall be elected for a period of five years at an annual election of taxpayers of said city, male and female, and with the same property qualifications as is herein provided for the first election under this Act. Said election shall be held each year under and by authority of said commissioners or a majority of them at the old Court House, on a day, hour and place named by said commissioners, and annually thereafter on the same day. If any vacancy shall occur in said commission before any next annual election provided for, by death, resignation, removal or otherwise, said vacancy shall be filled by the remaining commissioners, until the next annual election when the term or terms of said commissioners shall be filled by an election in the same manner, and at the same time, as provided for the election of a member for five years.

Terms of office.

Time and place of holding election.

Vacancies.

Section 6. The City Council is authorized to demand and take from the collector of taxes additional security to cover the amount to come into his hands under the provisions of this Act; and upon his failure so to do, to appoint another in his place.

Collector to give additional security.

Section 7. This shall be deemed and taken to be a public Act.

Approved March 30, A. D. 1911.



## OF CITIES AND TOWNS.

## CHAPTER 215.

## OF CITIES AND TOWNS.

AN ACT to authorize "The Mayor and Council of New Castle" to acquire or construct, and to maintain and operate a system of Lighting by electricity or otherwise, for the use of the City of New Castle and its Inhabitants.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (with the concurrence of two-thirds of all the members of each House of the General Assembly) :*

Authorized  
to maintain  
and operate  
a lighting  
plant.

May acquire  
certain  
property.

Section 1. That it shall and may be lawful, and it is hereby authorized and empowered so to do, for "The Mayor and Council of New Castle," acting in this behalf, by and through the Commission hereafter provided for, to build, construct, maintain and operate, under such rules and regulations as said commission may deem necessary and proper, a plant, works or system of lighting, by electricity or otherwise, for the use and benefit of the city of New Castle and its inhabitants. Or it is, in like manner, authorized and empowered to acquire by purchase, lease or otherwise from the corporation known as the "Delaware Water Improvement Company," all the property, franchise, real and personal estate and fixtures belonging to said company, and to hold, operate and use the same, through and by said Commission for the use and benefit of the said City of New Castle and its inhabitants:—Or it is, in like manner, authorized and empowered Commissioners shall appoint and establish, and upon such acquisition the said "The Mayor and Council of New Castle," shall succeed to and enjoy all the rights and be clothed with all the corporate powers conferred upon and now belonging to the said "Delaware Water Improvement Company," by virtue of any law or authority whatsoever, in respect to its

## OF CITIES AND TOWNS.

rights to manufacture and distribute electricity or other matter for lighting or other purposes within said City.

Section 2. That for the purposes set forth in section 1, of this Act, the said "The Mayor and Council of New Castle," shall be and they are hereby authorized and empowered to borrow, upon the credit of the said city, such sum or sums of money as may be deemed necessary, not exceeding the sum of one hundred thousand dollars; and for that purpose may issue certificates of indebtedness of such denominations, in such form, payable at such time, not exceeding thirty years from the date thereof, and bearing such rate of interest, not exceeding five per cent per annum, as the said city council may deem expedient. Which said sums of money as soon as the same are raised, shall be paid over to the five commissioners hereinafter to be elected and appointed under the provisions of this act, to be drawn out and used, by the said commissioners for the purposes of this act only. Provided, however, that the said "The Mayor and Council of New Castle," shall not at any time have the right or power to issue said certificates of indebtedness or any of them, until a special election of the citizens of New Castle has been held by three persons appointed so to do, by the said City Council, not of their own body, and a majority of the votes cast at such election has been ascertained to be in favor of the issuance thereof. That the persons holding said election shall be paid a reasonable fee to be fixed by the said city council out of the monies of the city. Any person, male or female, who has been assessed and paid a property or poll tax for the year next preceding any such election shall be entitled to vote, (and no others,) one vote for every one hundred dollars of assessment (no fraction of one hundred dollars to be taken into consideration). A City tax receipt shall be the best evidence that such tax has been paid. The city council of New Castle shall furnish the election officers, so holding said election, with the assessment book or a certified copy of the same, of the next preceding year to which any such election is held, pursuant to the provisions of this sec-

Authorized to borrow money.

Not to exceed one hundred thousand dollars.

May issue certificates of indebtedness.

When payable.

Rate of interest.

To whom money shall be paid.

Special election to determine bond issue shall be held.

Who may vote at such election.

## OF CITIES AND TOWNS.

tion. As many elections may be held in the manner aforesaid as the City Council may deem necessary to accomplish the objects and purposes of this Act.

Shall provide for payment of interest.

Section 3. In order to provide for the payment of the interest on said certificates of indebtedness, the city council of New Castle shall raise annually, by taxation of the persons and property within the limits of said city, (according to the provisions of the act of assembly, entitled, "An Act to incorporate the city of New Castle," passed at Dover, February 25, 1875, and any amendments or supplements thereto in relation to the assessment and collection of taxes within said city) such sum as may be necessary for the purpose of paying said interest; and should there be any surplus of said taxes, after paying said interest, it shall be paid into the City Treasury and there held, as a sinking fund to assist in the payment and liquidation of said certificates of indebtedness as they may become due and payable.

Surplus, if any, shall become a sinking fund.

Election of Commissioners.

Section 4. The said city council of New Castle shall by proclamation designate a day, hour and place to be fixed by them upon and at which an election shall be held to elect five commissioners to carry into effect the provisions of this act. At said election five persons receiving the greatest number of votes shall be declared elected. Any person who has been assessed and paid a property or poll tax for the year next preceding the year in which any election is held under the provisions of this act, shall on personally appearing before the election officers provided for in this act be entitled to one vote for every one hundred dollars of assessment (no fraction of one hundred dollars to be taken into consideration). A city tax receipt to be the best evidence that such tax has been paid. The said city council shall furnish such election officers, so holding said election, with the assessment book or a certified copy of the same of the next preceding year to which any such election is held. The city council shall appoint an inspector and two judges to hold such election and

Council shall appoint election officers.

## OF CITIES AND TOWNS.

shall fix and pay to them a reasonable compensation out of the monies belonging to the city.

Section 5. The said commissioners within thirty days after their election as aforesaid shall draw lot for the different terms to wit: of one, two, three, four and five years, the highest number to take the longest term, and so on down to the lowest term. Their successors shall be elected for a period of five years at an annual election of taxpayers of said city, male and female, and with the same property qualifications as is herein provided for the first election under this act. Said election shall be held each year under and by authority of said commissioners or a majority of them at the old Court House, on a day, hour and place named by said commissioners, and annually thereafter on the same day. If any vacancy shall occur in said commission before the next annual election provided for, by death, resignation, removal or otherwise, said vacancy shall be filled by the remaining commissioners, until the next annual election when the term or terms of said commissioners shall be filled by an election in the same manner, and at the same time, as provided for the election of a member for five years.

Length of  
term de-  
termined.

Successors  
to be elected  
for five  
years.

Time and  
place of  
holding  
election.

Commis-  
sioners to  
fill vacancy.

Section 6. The City Council is authorized to demand and take from the collector of taxes additional security to cover the amount to come into his hands under the provisions of this act; and upon his failure so to do, to appoint another in his place.

Collector to  
give addi-  
tional se-  
curity.

Section 7. This shall be deemed and taken to be a public act.

Approved March 30, A. D. 1911.

## OF CITIES AND TOWNS.

## CHAPTER 216.

## OF CITIES AND TOWNS.

AN ACT to enlarge the powers and authority of the City Council of New Castle, in respect to Street Railway Companies operating their cars, over and upon the streets of New Castle.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (with the concurrence of two-thirds of all the members of each House of the General Assembly) :*

City Council  
may pass  
ordinances  
in regard to  
street rail-  
way com-  
panies.

Section 1. That in addition to the powers now vested by law in the City Council of New Castle, the said Council is hereby authorized and empowered to pass any and all reasonable ordinances or resolutions, to require all street railway companies, now or hereafter running their cars, over and along any of the streets of New Castle, to pave the bed of the streets over and along which they pass, between the rails of their track and for a distance of not more than three feet on each side of said track, so as to conform at all times, as to material and otherwise, to, and be on a level with, the other adjoining parts of said streets, to keep the same in good repair, clean and clear and in a reasonable safe condition, and to keep in repair all culverts and drains constructed for their use, across and along said streets.

In case of  
neglect or  
refusal  
Council  
may have  
work done.

Section 2. In the event of said railway companies or any of them, neglecting or refusing to pave the bed of the street and for a distance of not more than three feet on each side of the track, or keeping the same on a level with the other part of said street, or keeping their tracks and right of way in good repair and condition, clean and clear; or to keep in repair all culverts and drains constructed for their use, all of which as is provided in Section 1 of this act; then and in such case, after twenty days' notice, by said Council

## OF CITIES AND TOWNS.

so to do, the said Council, may proceed to have the contemplated work done and recover the expenses and all costs incurred thereby, by distress and sale of the goods and chattels of said railway company failing so to do, found within said city; or said council may bring suit against said railway company, in the name of "The Mayor and Council of New Castle," in an action of assumpsit to recover said expenses; and upon recovery of judgment, issue execution and proceed thereon to sell in the usual way provided by law for the collection of judgments. In all cases of sale, however, by distress or execution, notice of the day, hour and place of sale and a description of the property to be sold, shall be given by public advertisements posted in at least ten public places within said City. The proceeds of said sale shall be first applied towards paying the expenses and costs as contemplated by this act, and all surplus money thereafter, if any, shall be paid or returned to the railway company so proceeded against. Notice as aforesaid served upon either the President, Treasurer, Secretary, Manager, or other officer or agent of said railway company shall be sufficient.

May recover costs and expenses.

Public notice of sale shall be given.

Proceeds of sale.

Upon whom notice may be served.

Section 3. That the said City Council shall also have the additional authority and power to enforce any and all the requirements of this act and all reasonable ordinances passed by authority of this act, by imposing such fines and penalties and prescribing for their recovery, as shall in the judgment of said council be deemed reasonable, necessary and proper.

May impose fines and penalties.

Approved March 30, A. D. 1911.

## OF CITIES AND TOWNS.

## CHAPTER 217.

## OF CITIES AND TOWNS.

AN ACT to classify certain Real Estate within the City of New Castle for the purposes of Municipal Taxation.

Preamble.

Whereas, within the territorial limits of the City of New Castle, much farm land and rural and suburban property is included, which receives little benefit from being within the Corporate limits, and which it would be unjust to subject to the burden of full taxation; therefore

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of the Members elected to each Branch of the Legislature concurring therein):*

To classify certain real estate.

Section 1. That from and after the approval of this Act, it shall be the duty of the assessor of the City of New Castle in assessing the persons and estates in said City, and of City Council sitting as a Court of Appeal for assessments, to classify the real estate assessed in such manner as to discriminate between the farm land and rural and suburban land in said City and the other property in said City; and for this purpose, it shall be the duty of the Assessor, and of City Council sitting as a Court of Appeal for assessments, to mark in the assessment book opposite the assessment of real estate used for farming, trucking or agricultural purposes the words "farm land," and opposite the assessment of suburban real estate lying apart from and outside of the built-up and developed portions of the City, and being either unimproved lots or lots on which dwelling houses have been built, the words "suburban land."

Duty of the Assessor.

Duty of City Council.

It shall be the duty of City Council in estimating and determining the rates of taxation in said City for each year to levy a rate of tax upon said "farm land" and upon said

OF CITIES AND TOWNS.

"suburban land" equal to one-half of the rates of tax levied upon the other real estate in said City; and the owners of such "farm land" and "suburban land" shall only be required to pay said half rates of taxes.

Section 2. All acts or parts of acts in so far as they are inconsistent with this act are hereby repealed.

Approved March 17, A. D. 1911.



## OF CITIES AND TOWNS.

## CHAPTER 218.

## OF CITIES AND TOWNS.

AN ACT to authorize the removal by the Commission having charge thereof of the old Jail Building and Jail Wall in the City of New Castle, in New Castle County.

Preamble.

Whereas, the former jail building and wall around the jail yard in the City of New Castle in New Castle County, is no longer used for any purpose, and has become unsightly, unsanitary and is becoming dangerous and is of no present use or future availability, and it would be for the general advantage that such building and wall be removed, therefore

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Authorized  
to cause to  
be torn down  
and removed  
the jail  
building and  
wall at New  
Castle

Section 1. That the Commission having charge of the said jail building and wall around the jail yard in the City of New Castle by virtue of Chapter 177, Volume 17, Laws of Delaware, as amended by Chapter 191, Volume 24, Laws of Delaware, be and the same is hereby authorized to cause to be torn down and removed the said jail building and wall around the jail yard, and to dispose of the same when torn down and removed as the said Commission shall deem best for the use of the City of New Castle; provided, however, that such removal shall be at no expense to the State of Delaware or to New Castle County, and provided further, that the old Court House and wings thereto and the former Sheriff's residence shall be in no way changed, injured or damaged.

Approved March 14, A. D. 1911.

## OF CITIES AND TOWNS.

## CHAPTER 219.

## OF CITIES AND TOWNS.

AN ACT relating to the Incorporated Towns in St. Georges Hundred.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two-thirds of all the members elected to each Branch of the Legislature concurring therein) :*

Section 1. That from and after the approval of this Act, the Levy Court of New Castle County shall annually pay over and return to the Commissioners of each of the Incorporated Towns in St. Georges Hundred, New Castle County, the total amount of the road taxes collected from property within the limits of the respective Incorporated Towns in said Hundred, less the actual expenses of collecting the same, such sums so paid to be expended by the Town Commissioners for the improvement, maintenance and repair of the roads, streets and bridges, in the said towns, respectively, and for no other purpose. The said amount shall be in lieu of all sums now required to be paid to the incorporated towns in said Hundred by the Levy Court for said purpose.

Levy Court shall pay annually to incorporated towns certain moneys.

Purpose of such payment.

In lieu of sums now required to be paid.

Section 2. All Acts and parts of Acts inconsistent herewith are hereby repealed.

Approved March 28, A. D. 1911.

## OF CITIES AND TOWNS.

## CHAPTER 220.

## OF CITIES AND TOWNS.

AN ACT to authorize "The Commissioners of the Town of Middletown" to borrow money and issue bonds therefor, for the purpose of improving the streets in said Town of Middletown.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (with the concurrence of two-thirds of all the members elected to each House therein) :*

Authority to  
borrow sum  
not exceed-  
ing \$20,000.

Section 1. That "The Commissioners of the Town of Middletown" shall have power and authority under and by virtue of an ordinance or ordinances to be passed by said Commissioners, to borrow, on the faith and credit of said Town, a sum or sums of money, not exceeding in the aggregate, twenty thousand dollars, to be applied, appropriated and expended in the improvement of the streets of Middletown, in such manner, to such extent, and of such streets as said Commissioners from time to time may determine.

To issue  
bonds

Rate of  
interest

Payable  
when

Form of  
bonds

Signed and  
sealed  
Exempt  
from taxa-  
tion.

The said "The Commissioners of the Town of Middletown" shall have authority to issue bonds therefor, of such denominations as they shall deem best, bearing interest at a rate not exceeding five per centum per annum, payable half-yearly; the principal of such bonds shall be made payable at such time or times, not less than ten years, nor more than twenty years from the date thereof, and in such manner as shall be prescribed by said Commissioners. The form of said bonds shall be prescribed by said Commissioners, and they shall be signed by the President and the Treasurer of the Board of "The Commissioners of the Town of Middletown" and sealed with the corporate seal of the Town of Middletown, and they shall be exempt from all taxation.

## OF CITIES AND TOWNS.

Section 2. Before the provisions of Section 1 of this Act shall go into effect, the borrowing of the said sum of twenty thousand dollars, or any part thereof, shall first be approved by a majority of the tax payers of the Town of Middletown, at a Town meeting to be called by "The Commissioners of the Town of Middletown," by public notice signed by their President and Secretary, and posted in six of the most public places in Middletown aforesaid, and inserted in the newspapers printed and published in said Town, at least two weeks next preceding the day of said meeting, setting forth the time, place and purpose of holding the same; at which said meeting every resident of Middletown aforesaid, male and female, who shall have paid town tax for the year in which such meeting is held, or for the preceding year, shall have the right to cast one vote for every dollar and every fractional part of a dollar of town tax aforesaid, by him or her paid.

To be approved by the tax payers.

Town meeting.  
Notice of meeting.

Every resident male and female whose tax is paid shall have the right to vote.

Approved April 13, A. D. 1911.

## OF CITIES AND TOWNS.

## CHAPTER 221.

## OF CITIES AND TOWNS.

AN ACT to amend Chapter 36, Volume 12, Laws of Delaware, entitled, "An Act to Incorporate the Town of Middletown."

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of all the members elected to each branch concurring therein) :*

Sec. 17.  
Chap. 36.  
Vol. 12.  
amended.

Section 1. That Section 17 of Chapter 36, Volume 12, Laws of Delaware, entitled, "An Act to Incorporate the Town of Middletown," be and the same is hereby amended by striking out the word "April" in the thirteenth line of said Section and inserting in lieu thereof the word "May" and by striking out the words "hotel now occupied by J. C. Lippincott" in the fifteenth line of said Section and by inserting in lieu thereof the words "room occupied by 'The Commissioners of the Town of Middletown.'"

Sec. 18.  
Chap. 36.  
Vol. 12.  
amended.

Section 2. That Section 18 of said Chapter 36, Volume 12, Laws of Delaware, be and the same is hereby amended by striking out the word "April" in the fifth line of said Section and inserting in lieu thereof the word "May."

Approved March 14, A. D. 1911.

## OF CITIES AND TOWNS.

## CHAPTER 222.

## OF CITIES AND TOWNS.

AN ACT authorizing "The Town of Clayton" to borrow Money and issue Bonds for the purpose of erecting a Municipal Lighting Plant in said Town.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two-thirds of all the members elected to each House of the General Assembly concurring therein):*

Section 1. That "The Town of Clayton," a municipal corporation of the State of Delaware, is hereby authorized and empowered to borrow on the faith and credit of the said "The Town of Clayton" a sum of money not exceeding ten thousand dollars, which shall be applied, appropriated and expended for the purpose of purchasing and erecting a municipal lighting plant for lighting the streets and all public places in said Town, and for furnishing light for private use.

Authorized to borrow a sum not to exceed \$10,000.

Purpose for which money is to be borrowed.

Section 2. That the said "The Town of Clayton," for the purpose of carrying into effect the provisions of this Act, is hereby authorized and empowered to issue bonds of said municipal corporation for such amounts as the Town Council of said "The Town of Clayton" may deem best. Said bonds shall be known as Clayton Municipal Lighting Plant Bonds, and shall bear interest at a rate not exceeding six per centum per annum, payable semi-annually on the first days of February and August respectively of each year, at The National Bank of Smyrna, in Smyrna, Delaware. The principal of said bonds shall be made payable at the expiration of twenty years from the date of the issue thereof, at The National Bank of Smyrna, in Smyrna, Delaware, the said "The Town of Clayton" reserving the power and au-

Authorized to issue bonds.

Interest. Payable when and where.

Principal payable at the expiration of twenty years.

## OF CITIES AND TOWNS.

Power to  
redeem.

thority of redeeming said bonds or any of them at the expiration of three years from the date of issue of said bonds, or at any time thereafter, at par with interest to the date of redemption, provided that if the said "The Town of Clayton" elect to redeem said bonds, or any of them, at the expiration of three years from the date of issue of said bonds, or at any time thereafter, such election or elections shall be effected on the first day of February or the first day of August in the year of such election, and in pursuance of a notice to that effect published by the said "The Town of Clayton" in at least three issues of two newspapers, one of which shall be published in the City of Wilmington, Delaware, and the other published in Kent County, Delaware.

Notice to  
be given.

How bonds  
shall be  
called

In calling said bonds for redemption and payment, they shall be called consecutively, commencing with the lowest number. The interest on all said bonds so called shall cease from the date of the redemption thereof, and said bonds when paid shall be cancelled. If at any time after the issue of said bonds and before they are payable or called in, any holder or holders of any such bond or bonds shall offer the same for redemption the said "The Town of Clayton," if it deem it expedient, may redeem or pay the bond, or bonds so offered, and cancel the same, the interest thereon ceasing from the date of such redemption.

May redeem  
and cancel  
bonds.

Preparation  
of bonds

Section 3. That the Town Council of said "The Town of Clayton" shall prescribe the form of said bonds, determine the date of issue of the same, and shall effect the preparation and printing thereof. Said bonds shall be signed by the President of the Town Council of "The Town of Clayton" and the Treasurer of said Town Council, and sealed with the corporate seal of said "The Town of Clayton." Said bonds shall be exempt from all State, County, and Municipal taxation.

How signed.

Exempt  
from tax

Town Council  
shall negotiate  
sale and delivery,  
etc.

Section 4. That the Town Council of the said "The Town of Clayton" shall negotiate the sale and delivery of said bonds, and shall apply and use all the money, the pro-

## OF CITIES AND TOWNS.

ceeds of the sale of said bonds, for the purpose of carrying into effect the provisions of this Act.

Section 5. That the said "The Town of Clayton" is hereby authorized and required to assess and collect annually, in the same manner as now provided by law for assessing and collecting other taxes for municipal purposes, an amount of tax sufficient to pay all the interest accruing on said bonds.

Authorized  
to assess  
and collect  
tax to pay  
interest.

Section 6. That the said "The Town of Clayton" shall not, at any time, have authority or power to issue any of said bonds until a special election has been called by the Town Council of said "The Town of Clayton," and held by the officers provided for in this Act, and a majority of the legal votes cast at such election has been ascertained to be "For issuing Bonds for a Municipal Lighting Plant." The Town Council of said "The Town of Clayton" is hereby authorized to call and provide for such special election whenever it shall deem it expedient to do so, provided that not more than one such special election may be held in any one year, and every such special election shall be at least six months apart. Such special election or elections shall be held by the Alderman, and two Councilmen, of said "The Town of Clayton," who shall be selected and appointed for that purpose by said Town Council. The said Alderman shall be the presiding officer at such special election. If for any cause said Alderman shall not perform the duties of presiding officer at any such special election, the said Town Council shall select and appoint some other male qualified voter of said Town of Clayton to be the presiding officer, at such special election. The voting at such special election or elections shall be by ballot. Except as otherwise provided by this Act, such special election or elections shall be held according to the laws governing the annual Town elections of said "The Town of Clayton." Due notice of the time and place of such special election shall be given by said Town Council by advertisements posted in at least ten public places in said Town of

Special elec-  
tion shall be  
held.

Election to  
be held by  
Alderman  
and two  
Councilmen.

If Alderman  
shall fail to  
act.

Notice shall  
be given.



## OF CITIES AND TOWNS.

Who shall  
be entitled  
to vote.

Clayton, at least ten days prior to any such special election. Every citizen of the said Town of Clayton, both male and female, of the age of twenty-one years who shall have been a resident thereof four months next preceding such special election and who shall owe no town tax to the said "The Town of Clayton" other than the tax assessed against him or her by said "The Town of Clayton" for the year in which such special election shall be held, on personally appearing before the election officers provided for by this Act, shall be entitled to one vote for every one hundred dollars of assessment for town tax which shall be assessed against him or her by said "The Town of Clayton" for the year in which such special election shall be held. No fraction of one hundred dollars shall be considered.

Penalty for  
illegal vot-  
ing.

Section 7. Any person who shall wilfully vote or attempt to vote illegally at such special election, or any person acting as an election officer at such special election who shall wilfully receive or consent to receiving an illegal vote, or who shall wilfully refuse or consent in refusing to receive a legal vote, or who shall in any way in a fraudulent or illegal manner at such special election, shall be guilty of a misdemeanor and upon conviction thereof, shall be fined or imprisoned, or both, in the discretion of the Court. Should a voter be challenged on the ground of non-payment of tax, the presiding officer of the election or person receiving the votes, shall cause the person so challenged, to swear that he or she has paid all the Town tax assessed against him or her for the year next preceding the year in which such special election is held, otherwise his or her vote shall not be received. Should such person wilfully and falsely so swear, he shall be deemed guilty of perjury and suffer all its penalties.

Shall make  
oath.

Faith of  
town  
pledged.

Section 8. That the faith of the said "The Town of Clayton" is hereby pledged for the payment of the bonds authorized to be issued under this Act.

OF CITIES AND TOWNS.

Section 9. This Act shall be deemed and taken to be a public Act.

Approved April 4, A. D. 1911.

## OF CITIES AND TOWNS.

## CHAPTER 223.

## OF CITIES AND TOWNS.

AN ACT to amend Chapter 537, Volume 20, Laws of Delaware, entitled, "An Act to reincorporate the Town of Smyrna," by increasing the amount of appropriation made by the Levy Court for Streets.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two-thirds of all the members elected to each House concurring therein) :*

Chap. 537.  
Vol. 20.  
amended.

Section 1. That Chapter 537, Volume 20, Laws of Delaware, entitled, "An Act to reincorporate the Town of Smyrna," be, and the same is hereby amended by striking out the word "four" where it occurs in the twenty-first line in Section 8 of said Act and by inserting in lieu thereof the word "eight."

Approved March 30, A. D. 1911.

## OF CITIES AND TOWNS.

## CHAPTER 224.

## OF CITIES AND TOWNS.

AN ACT authorizing the funding of the present bonded indebtedness of the Town of Dover and the issuance of new bonds.

*Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met, (two-thirds of all the members elected to each branch of the General Assembly concurring therein) :*

Section 1. That the Town Council of the Town of Dover be and is hereby authorized and empowered to borrow upon the faith and credit of the said Town of Dover, a sum not exceeding Forty-two Thousand Dollars, to be expended as hereinafter provided, and to issue bonds of the said Town of Dover for the payment thereof.

Town Council authorized to borrow money and to issue bonds.

Section 2. The denomination of said bonds shall be the sum of One Thousand Dollars each, and they shall be numbered consecutively, beginning with number one. The said bonds shall bear such rate of interest, not exceeding four and one-half per centum per annum, as the said Town Council may determine, and the said rate so determined shall be stated in the terms of the said bonds. The interest upon said bonds shall be payable semi-annually in each and every year from the date of issue thereof.

Denomination of bonds.

Rate of interest.

Interest payable semi-annually.

Section 3. The said bonds shall bear date as of the date of their issue and the principal thereof shall be payable at the Farmers Bank of the State of Delaware, at Dover, at the expiration of thirty years from such date; but the said bonds, or any of them, may, if the said Town Council shall deem expedient, contain a provision for the redemption of such bonds at the option of the said Town Council at such period prior to the expiration of thirty years from their date as the said Town Council shall fix and designate in said

Principal payable where and when.

Power of redemption.

## OF CITIES AND TOWNS.

Notice.  
How given.

bonds; provided, however, that if the Town Council of the Town of Dover, shall elect to redeem any of said bonds within the period of thirty years from the date, the said Town Council shall give notice, signed by the President of said Town Council and by the Treasurer of said Town of Dover, advertised for the space of thirty days in one newspaper published in the City of Wilmington in this State, and in one newspaper published in the City of Philadelphia, in the State of Pennsylvania; such notice shall indicate the bonds called, and in making such calls, the Town Council shall call the bonds according to their number, beginning with the lowest number, and the interest on said bonds shall cease from the date set for redemption in any of said calls.

Preparation,  
printing and  
sale of  
bonds.

Section 4. The Town Council of the Town of Dover shall direct and effect the preparation, printing and sale of said bonds authorized by this Act at such time or times and on such terms as they may deem expedient.

Signing and  
sealing of  
bonds.

The said bonds shall be signed by the President of said Town Council and by the Treasurer of the Town of Dover and sealed with the Corporate Seal of the said corporation and shall be exempt from State, County and Municipal taxation.

As said bonds shall be paid, the same shall be cancelled as the said Town Council shall direct.

Payable at  
the Farmers  
Bank.

Section 5. Said bonds, principal and interest shall be payable at the Farmers Bank, at Dover, Delaware, in gold coin of the United States of America, equal in weight and fineness to the present standard. The said Town Council is hereby authorized and directed to pay the interest on said bonds at the said Farmers Bank when and as the same shall become due, and to pay said bonds at said Bank when and as the same shall mature.

Council shall  
provide for  
a sum equal  
to the in-  
terest

The said Town Council in fixing the rate of taxation in the said Town of Dover, shall annually, until the redemption of said bonds, provide for a sum equal to the amount of

## OF CITIES AND TOWNS.

interest due each year upon said bonds, and as and when said bonds shall become due and payable, shall, in like manner, provide for a sum sufficient for the redemption of said bonds, both principal and unpaid interest. All of such sums provided as aforesaid shall, when collected and paid to the Treasurer of the said Town of Dover, be set apart by him in a separate account to be opened for that purpose, and the moneys so set apart shall be applied by the said Treasurer to the payment of the interest on said bonds and to the redemption of said bonds as the said interest and as the said principal shall become and be due and payable.

Shall provide for redemption.

Treasurer shall keep a separate account.

The said Town Council is fully authorized and empowered to establish a sinking fund for the payment of said bonds at their maturity and for this purpose to levy and raise by taxation from time to time, such sum or sums as shall be necessary for the redemption of said bonds at or before the maturity thereof. The taxes authorized in this Section shall be levied and collected as other taxes in the said Town of Dover are levied and collected and shall be assessed on the head and on property and shall be in excess of and in addition to the sum or amount which the said Town Council is authorized by any other law to raise by taxation.

Authorized to establish a sinking fund.

To be levied and collected as other taxes.

Section 6. All the money received from the sale of any or all of said bonds after the payment of all charges and expenses connected with the preparation and sale thereof, shall be deposited by the Treasurer of the said Town of Dover at the Farmers Bank at Dover to the credit of the Town of Dover in a separate account, and shall be used only for the redemption of bonds of the Town of Dover unpaid and outstanding at the time of the approval of this Act; but neither the purchasers nor the holders of said bonds shall be bound to see to, or be affected by, the application of said money realized from the sale of said bonds or any part thereof.

How deposited.

How used.

Section 7. The faith and credit of the Town of Dover are hereby pledged for the payment of all the bonds that may be issued under the provisions of this Act.

Faith and credit of town pledged.

## OF CITIES AND TOWNS.

Council may  
determine  
how bonds  
shall be is-  
sued.

Section 8. The bonds authorized by this Act may be issued at one time and in one series or at different times and in different series as the Town Council of the Town of Dover shall determine and the authority to issue and sell any bond or number of bonds under this Act, shall not be deemed to be exhausted until the aggregate of the amount of the bonds issued under this Act shall be Forty-two Thousand Dollars (\$42,000).

Form of  
bonds.

Section 9. The bonds to be issued shall be in the following form, to wit:

## UNITED STATES OF AMERICA

## STATE OF DELAWARE

Number \_\_\_\_\_

## DOVER FUNDING BONDS

\$1000.00

\$1000.00

The Town of Dover in the State of Delaware, for value received hereby acknowledges its indebtedness and promises to pay to the holder of this bond at the Farmers Bank at Dover, on the \_\_\_\_\_ day of \_\_\_\_\_ A. D. nineteen hundred and \_\_\_\_\_, the sum of One Thousand Dollars, with interest thereon at the rate of \_\_\_\_\_ per centum per annum, payable semi-annually on the \_\_\_\_\_ day of \_\_\_\_\_ and of \_\_\_\_\_ in each year. This bond is one of the authorized issue of forty-two bonds aggregating Forty-two Thousand Dollars, by virtue of and in strict compliance with an Act of the General Assembly of the State of Delaware, approved the \_\_\_\_\_ day of \_\_\_\_\_ A. D. nineteen hundred and eleven, entitled "An Act authorizing the funding of the present bonded indebtedness of the Town of Dover and the issuance of new bonds," and in pursuance of a resolution of the Town Council of the Town of Dover, adopted \_\_\_\_\_ A. D. nineteen hundred and eleven.

It is hereby certified that this bond is one of the issue authorized by the above recited Act of the General Assembly

## OF CITIES AND TOWNS.

and that the faith and credit of the Town of Dover are pledged for the punctual payment of the principal and interest of this bond according to its terms.

IN WITNESS WHEREOF, the President of the Town Council of the Town of Dover and the Treasurer of the Town of Dover have hereunto respectively set their hands and the Corporate Seal of the Town of Dover, at Dover, in the State of Delaware, this                      day of                      A. D. nineteen hundred and

Section 10. If the Town Council of the Town of Dover shall so desire, the said bonds may contain a provision giving said Council the option to redeem said bonds at some stated date prior to their maturity as set forth in Section 3 of this Act. The said Council may also provide for the registering of said bonds either as to the principal thereof or as to both principal and interest as the said Council shall prefer. The said bonds shall further contain such provisions in addition to these set forth in Section 9 of this Act and not inconsistent with the requirements of this Act as the said Town Council shall determine, and may be with or without coupons as said Council shall prefer.

Bonds may contain an option to redeem.

May provide for registering.

Approved March 16, A. D. 1911.



## OF CITIES AND TOWNS.

## CHAPTER 225.

## OF CITIES AND TOWNS.

AN ACT to amend an Act entitled "An Act to Re-Incorporate the Town of Dover," passed at Dover, March 2, 1893, in relation to the districts into which the said Town is divided.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two-thirds of all the members elected to each branch of the General Assembly concurring therein) :*

Chap. 746,  
Vol. 19,  
amended.

Section 1. That the Act entitled "An Act to re-incorporate the Town of Dover," passed March 2, 1893, being Chapter 746, of Volume 19 of the Laws of Delaware, as the same has been heretofore amended, be and the same is hereby amended by striking out all of the words between the word "lying" in the fiftieth line of Section 2 of the Act aforesaid and the word "east" in the said fiftieth line of said Section 2.

Approved March 29, A. D. 1911.

OF CITIES AND TOWNS.

CHAPTER 226.

OF CITIES AND TOWNS.

AN ACT to Amend Chapter 182, Volume 23, Laws of Delaware, entitled "An Act to re-incorporate the town of Wyoming," by increasing the amount of money that may be raised by tax in said town.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two-thirds of all the members elected to each House of the General Assembly concurring therein) :*

Section 1. That Chapter 182, Volume 23, Laws of Delaware, entitled "An Act to re-incorporate the Town of Wyoming," be and the same is hereby amended by striking out the words "six hundred" in the eighth line of Section 8 of said Chapter, and by inserting in lieu thereof the words "one thousand."

Chap. 182.  
Vol. 23.  
amended.

Words "one  
thousand"  
inserted.

Approved February 24, A. D. 1911.

## OF CITIES AND TOWNS.

## CHAPTER 227.

## OF CITIES AND TOWNS.

AN ACT to amend Chapter 182, Volume 23, Laws of Delaware, entitled "An Act to re-incorporate the Town of Wyoming," by increasing the appropriation by the Levy Court for repairs of roads and streets.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of all the members elected to each House of the General Assembly concurring therein) :*

Chap. 182,  
Vol. 23,  
amended.

Word "four"  
inserted

Increase to  
be for two  
years

Section 1. That Chapter 182, of Volume 23, Laws of Delaware, entitled "An Act to re-incorporate the Town of Wyoming," be and the same is hereby amended by striking out the word "two" between the word "than" in the third line and the word "hundred" in the fourth line of the fourth section of said Chapter and inserting in lieu thereof the word "four." Provided however that the increase provided for in this Act shall only be for two years and after the expiration of said two years, said appropriation shall be as now provided for by law.

Approved March 2, A. D. 1911.

## OF CITIES AND TOWNS.

## CHAPTER 228.

## OF CITIES AND TOWNS.

AN ACT to Amend an Act entitled "An Act to reincorporate the Town of Camden," being Chapter 642, Volume 18, Laws of Delaware, by increasing the annual appropriation of the Levy Court.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch concurring therein) :*

Section 1. That Section 6, of Chapter 642, Volume 18, Laws of Delaware, entitled "An Act to Reincorporate the Town of Camden" be and the same is hereby amended by striking out the word "two" in the tenth line thereof and inserting the word "four" in lieu thereof. Provided, however, that the increase provided for in this Act shall only be for two years and after the expiration of said two years, said appropriation shall be as now provided for by law.

Sec. 6.  
Chap. 642.  
Vol. 18.  
amended.

Word "four"  
inserted.

Increase for  
two years  
only.

Approved February 24, A. D. 1911.

## OF CITIES AND TOWNS.

## CHAPTER 229.

## OF CITIES AND TOWNS.

AN ACT to incorporate the town of Woodside in Kent County Delaware.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch of the Legislature concurring) :*

Name of  
the corpo-  
ration.

Section 1. That the inhabitants of the village of Woodside are hereby constituted a municipal corporation and body politic. The name and style of said corporation shall be "The Commissioners of Woodside," by which name the said corporation may sue and be sued, plead and be impleaded, complain, answer and defend in all courts of this State, and the said corporation shall have and use a common seal of its own devising with power to alter and renew the same.

Boundaries  
of the town.

Section 2. The boundaries of said corporation hereinafter designated as the town of Woodside, shall be as follows; viz:

Beginning at a point in the middle of the State Road near the railroad station at Woodside three hundred and seventy-five feet north from the middle of an intersecting road which leads eastward from Woodside station and crosses the railroad tracks and said state road; thence running in a westerly direction a line parallel with said intersecting road across the Delaware railroad tracks and continuing to the middle of a public road leading from the Cedar Lane Road to Woodside station, thence with the middle of said road southerly about three hundred and seventy-five feet to the middle of the road leading to Woodside from the West, thence continuing by said line southerly a distance of eleven hundred and fifty-five feet, thence by a line parallel to the first described line easterly crossing the railroad south of the Station as now located, and continuing to the middle

OF CITIES AND TOWNS.

of the aforesaid state road, thence following the middle of the said state road in a northerly direction to the place of beginning.

Section 3. The said corporation shall be governed by a Board of Commissioners. They shall elect a President from their own number and shall elect a Treasurer and a clerk from among the citizens of the said corporation, until the last Saturday in March A. D. 1912, Burton Cosden, George W. Walheater, and Ezekiel Cowgill, shall be the Commissioners of said corporation.

Section 4. A town election shall be held on the last Saturday in March A. D. 1912 and on the same date in each and every year thereafter in the said town of Woodside at the schoolhouse therein, between the hours of two o'clock P. M. and four o'clock P. M. such election may be held by the president of the commissioners, or any other voter in his absence, and two citizens chosen by the legally qualified voters present at the opening of the polls, who shall be judges of said election, and shall decide the legality of the votes offered.

They shall receive the ballots, ascertain the result and certify the same on the book of the commissioners. At every such election every male resident of said town above the age of twenty-one years, and who shall have paid the town tax last assessed to him, shall be entitled to a vote. There shall be chosen at the first election held under this Act three commissioners to serve for the term of one year, or until their successors shall be duly chosen and qualified, and two commissioners to serve for a term of two years, or until their successors have been duly chosen and qualified. At every subsequent annual election the successors to the commissioners whose terms shall have expired shall be chosen to serve for the term of two years, or until their successors have been duly chosen and qualified, and if any vacancy or vacancies shall occur among them by death, resignation, refusal to serve or otherwise, the remaining commissioners, shall have the power to fill such vacancy or vacancies until

## OF CITIES AND TOWNS.

Who not  
eligible to  
office.

the ensuing annual election, at which time such vacancy or vacancies shall be filled by election of commissioners to fill out the whole of the unexpired term of the commissioner or commissioners in whose stead they shall be elected. No one shall be eligible to the office of commissioner unless he has been a resident of said town for a period of at least one year and is a free holder therein.

Meetings  
each year.

Ordinances.

Improve-  
ments.

Trees.

May impose  
fines, etc.

Special  
meetings.

Election of  
President.  
Duty of.

Section 5. That there shall be four stated meetings in every year of the said commissioners, viz: on the last Saturday in March, June, September and December, at which meetings they may pass ordinances and rules for the good government of said town, the lighting and improvement of the streets, the paving or other improving of the sidewalks, the planting and protection of ornamental trees, the repairs and making of public pumps, and for all other matters relating to the general welfare of said town provided the same be not repugnant to the constitution and the laws of the State and of the United States. By such ordinances they may impose fines, penalties and forfeitures and provide for their collection, also the President shall, at the request of two or more commissioners, call a special meeting of the commissioners whenever they may deem such meeting necessary, and at such meeting they shall have the right to transact any business they may have power to transact at regular meetings, the said commissioners shall at their first meeting after the election, elect one of their number as President whose duty it shall be to preside at the meetings of the commissioners, have the general supervision of all streets in said town, and of the persons who may be employed by the town commissioners, receive complaints of nuisances and other complaints of citizens of violation of the laws and ordinances, and present the same to the commissioners at the first stated meeting for action, and such violation or infractions of the laws or ordinances as require immediate action to cause the same to be proceeded on before the Alderman. He shall sign all warrants on the treas-

## OF CITIES AND TOWNS.

urer for the payment of money and shall perform such other duties as may be prescribed by ordinances.

Section 6. That the commissioners herein named and their successors in office shall, at their first stated meeting in every year, determine the amount of tax to be raised in said town for that year, not exceeding three hundred dollars including tax on real and personal property and poll tax; and they shall appoint an assessor, who may or may not be one of their number, to make an assessment of persons and property in said town; and shall also appoint a collector and treasurer, who may or may not be one of their number.

Amount of  
tax not to  
exceed \$300.

Assessor.

Collector.

The Collector and Treasurer may be the same person. It shall be the duty of the assessor of said town, within two weeks from his appointment, to make a true, just and impartial valuation and assessment of all the real estate and assessable personal property within said town, and also an assessment of all the male citizens residing in said town above the age of twenty-one years, as well those owning real estate as those not owning real estate, at least fifty cents per head as tax, provided that all vacant lots, pieces and parcels of land within the limits of the town, as the limits may be determined and designated, exceeding one acre in quantity, shall be exempt from taxation for the uses and purposes of said town of Woodside, but all such lots and pieces and parcels of land exceeding an acre as aforesaid, having a dwelling thereon shall be assessed and taxed as and for one town lot, and the said assessor shall forthwith, after making such assessment, deliver to the commissioners for the time being a duplicate containing the names of all persons assessed and the amount of assessment, distinguishing the real and personal assessment of each. When the assessment is returned, the commissioners shall give five days' public notice of the fact, and that they will sit together at a certain place, on a certain day, from two to four o'clock in the afternoon, to hear appeals from said assessment; they shall have power on such day to add to or decrease any assessment. When

Duty of the  
Assessor.

Exempt  
from taxa-  
tion.

Notice.

Appeal.



## OF CITIES AND TOWNS.

List to be  
delivered to  
collector.

Power of the  
collector.

Machinery  
exempt from  
taxation.

May use  
money for  
improve-  
ments.

Paving

Commis-  
sioners may  
act

Shall have  
superin-  
tendence of  
streets, etc.

the appeal day is passed, they shall without delay cause the assessment list to be transcribed and the transcript to be delivered to the collector, who shall thereupon collect from each taxable his proportion of the tax laid, and pay over the whole amount, deducting commission and delinquencies which shall be allowed by the commissioners to the treasurer by the first day of June next after the receipt of his duplicate. The collector shall have the same power for the collection of said taxes, as are conferred by law, upon collectors of county taxes, provided, however, that in making said assessment for the town of Woodside all machinery in any factory now in said town or that hereafter may be erected shall be exempt from taxation for town purposes, and that only the real estate and buildings, belonging to said factory shall be taxed.

Section 7. That the commissioners, or a majority of them, shall have authority to employ and use the money in the treasury of the town for the general improvement, benefit and ornament of the said town, as they may deem advisable, and all money paid out by the treasurer shall be paid upon order of the commissioners, or a majority of them, provided that said commissioners shall have no authority to create debts on said town to a greater amount than they are authorized to raise by said taxation and receive from the county.

Section 8. That any ordinance for the paving or improving the sidewalks shall apply only to those persons owning property fronting upon them, who, and who alone, shall bear the expenses of making pavements or other improvements where the same shall be ordered. If such ordinance be not complied with within three months the commissioners may procure the materials and work to be found and done and collect the expense of the same from the owner of said property in an action at law.

Section 9. That the President and Commissioners for the time being shall have the superintendence and oversight

## OF CITIES AND TOWNS.

of all roads and streets now opened, or hereafter to be opened, within the limits of said town, and no overseer of such road or street shall be appointed by the Levy Court of Kent County but the said Levy Court shall annually appropriate for the repair of said roads a sum of money not less than two hundred dollars, and shall make an order for the payment thereof to the treasurer of the town of Woodside for the use of said town.

Levy Court  
shall appropriate \$200.

Section 10. That the treasurer and collector shall be severally sworn or affirmed to discharge their respective duties with fidelity; such oath or affirmation may be administered by any person authorized by the laws of this State to administer oaths, or by the President of the Commissioners. They shall also, before entering upon the duties of their office, give bond to the town of Woodside, with sufficient surety to be approved by the commissioners of said town, in the penal sum of double the amount of what may be likely to come into their hands, conditioned for the faithful discharge of the duties of their said offices and for the payment to their successors in office of all sums of money belonging to said town which may remain in their hands upon the settlement of their accounts, to which said bonds and conditions there shall be annexed a warrant of attorney for the confession of judgment for said penalty. The said Treasurer shall pay all orders drawn on him by order of said commissioners and signed by the president thereof, out of any moneys in his hands belonging to said town. He shall settle his accounts with the said commissioners annually in the month of March and at such other times as the said commissioners may require.

Shall be  
sworn or affirmed.

Bond.

Treasurer  
to pay  
orders.

Accounts to  
be settled  
annually.

The treasurer, clerk, and assessor of said town shall receive each a reasonable compensation for their services, to be determined by the commissioners of said town; provided the compensation of said treasurer, as such, shall not exceed two per cent., on all moneys received by him belonging to said town, and of the treasurer acting as collector shall not exceed eight per centum on the taxes collected by him.

Compensation.

## OF CITIES AND TOWNS.

Alderman. Section 11. That the town commissioners at their first meeting or as soon thereafter as convenient, shall annually proceed, to elect, by ballot some suitable person, resident in said town to be alderman of the town of Woodside who may or may not be a justice of the peace resident of said town, to serve as such for the term of one year or until his successor shall be duly elected, subject, however, to be removed from office at any time by vote of two-thirds of all the commissioners. Before entering upon the duties of his office he shall be sworn or affirmed by the president of the commissioners, or by any one of the commissioners, to perform the duties of his office honestly, faithfully, and diligently.

Term of office.

Oath of office.

Town clerk.

Section 12. That the commissioners shall appoint a town clerk, who may or may not be one of their number, who shall keep a record of the proceedings of the commissioners, and the same shall be evidence.

Constable.

Section 13. That the Commissioners shall appoint a town constable.

Duty of the Alderman.

Section 14. That it shall be the duty of the Alderman of said town, and of the town constable, to suppress all riotous, turbulent, disorderly or noisy assemblages or gatherings of persons in or at any building used for any fair, festival, concert or any other social, literary or religious meeting or any entertainment whatsoever, or on the streets, lanes, or alleys of said town at any time or season whatever; to prevent all gatherings whatever which may obstruct or interfere with the free use of the streets, lanes, alleys or sidewalks; and for this purpose it shall be the duty of said constable to seize and arrest any such persons so offending and take him or them before the Alderman of said town, whose duty it shall be to hear and determine the case, and upon conviction before him, the Alderman shall sentence any such person so convicted to pay a fine not exceeding ten dollars, and may commit the party or parties to the County prison for a period not exceeding thirty days, or until said fines and cost shall be paid. It shall be the duty of the Al-

Fine and imprisonment.

## OF CITIES AND TOWNS.

derman of said town, upon complaint, made before him of any such riotous, turbulent or noisy assemblages, or gatherings as aforesaid to issue his warrant to the constable aforesaid commanding him to arrest and bring any such person so offending as aforesaid before him for trial. It shall be the duty of the constable aforesaid to arrest any drunken or disorderly person who may be seen on the streets of said town, and take him or them before the Alderman of said town who shall proceed forthwith to hear and determine the case, and upon conviction before him, he shall sentence such person in the same manner and to the same punishment provided in this section for the punishment of persons brought before him for the offenses in this section first enumerated. If upon view of the person or persons who may be brought before the Alderman of said town for violation of this section it shall appear to the Alderman that in his judgment such person or persons are not in a condition to be heard and tried, he may use his own discretion in fixing or appointing a time for trial of all such person or persons brought before him for violating this section. The fee to the Alderman of said town for the trial of any cause under this section shall be fifty cents, and to the constable making the arrest fifty cents, and in all cases if fees for the Alderman and constable are not herein provided for they shall be entitled to receive the same fees as are specified by law to be paid to justices of the peace and constables in like cases.

Duty of the constable.

Fees of Alderman and constable.

Section 15. The said corporation shall have power to lay out, improve, control and police, streets, lanes, alleys, and sidewalks in the said town, to regulate, abate, and pass ordinances prohibiting and fixing penalties for, all kinds of nuisances, disorders, and practices, and performances which shall be deemed by the commissioners obnoxious, unhealthy, unsafe, or detrimental to persons and property within the corporate limits. And to own such property and make such contracts and engage in such business as shall be deemed proper for the improving of the town, for the advantage of

Power to lay out and improve streets, etc.

Ordinances.

## OF CITIES AND TOWNS.

its citizens, or for the promotion of the general peace and welfare.

Section 16. That this act shall be deemed and taken to be a public act.

Approved April 4, A. D. 1911.

OF CITIES AND TOWNS.

CHAPTER 230.

OF CITIES AND TOWNS.

AN ACT to amend Chapter 209, Volume 24, Laws of Delaware, entitled, "An Act to Re-incorporate the Town of Harrington," by increasing the amount that may be raised by taxation.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (with the concurrence of two-thirds of all the members elected to each House thereof) :*

Section 1. That Section 13 of Chapter 209, Volume 24, Laws of Delaware, entitled, "An Act to Re-incorporate the Town of Harrington," be and the same is hereby amended by striking out of said Section 13 the words "Sixteen Hundred Dollars" where they appear in the third and fourth lines of said Section and inserting in lieu thereof the words "Two Thousand and Five Hundred Dollars."

Sec. 13,  
Chap. 209,  
Vol. 24,  
amended.

Approved March 28, A. D. 1911.

## OF CITIES AND TOWNS.

## CHAPTER 231.

## OF CITIES AND TOWNS.

AN ACT in Relation to the amount which may be raised Annually by Taxation for current purposes by the Town Council of the Town of Milford, being an amendment to an Act entitled "An Act to Re-incorporate the Town of Milford," Approved March 9, 1907, being Chapter 210, Volume 24, of the Laws of Delaware.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two-thirds of each branch of the Legislature concurring therein) :*

Chap. 210,  
Vol. 24,  
amended.

Section 1. That the Act entitled "An Act to re-incorporate the town of Milford," approved March 9, 1907, being Chapter 210, Volume 24, of the Laws of Delaware, be and the same is hereby amended by striking out the words: "the sum of Nine thousand Dollars," in the forty-fourth and forty-fifth lines of Section 14 of said Act and by inserting in lieu of the words so stricken out the following: "a sum equal to one and one-half per cent. of the assessed value of the real estate as shown by the said assessment of the said town."

Approved March 14, A. D. 1911.

OF CITIES AND TOWNS.

CHAPTER 232.

OF CITIES AND TOWNS.

AN ACT to amend an Act entitled "An Act to allow the Town Council of Milford to issue bonds for certain purposes," approved March 31, 1891, being Chapter 232, Volume 19, of the Laws of Delaware, being in relation to the election of a Board of Light and Water Commissioners of the Town of Milford.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two-thirds of each branch of the Legislature concurring therein) :*

Section 1. That Section 4 of the Act entitled "An Act to allow the Town Council of Milford to issue bonds for certain purposes," approved March 31, 1891, being Chapter 232, Volume 19, of the Laws of Delaware, as amended, be and the same is hereby amended by striking out of said Section all of the words between the words "be held" in the tenth line of said Section and the word "vacancy" in the twelfth line of said Section and by inserting in lieu thereof the following: "Annually on the same day and between the same hours and at the same place as the town election in the town of Milford is held, but the ballots voted shall be distinct and separate from those voted for the town election and shall be deposited in a separate ballot box and shall be counted and certified to distinct and separate from the town election ballots. If a"

Sec. 4, Chap.  
232, Vol. 19,  
amended.

Approved March 14, A. D. 1911.



## OF CITIES AND TOWNS.

## CHAPTER 233.

## OF CITIES AND TOWNS.

AN ACT to Supplement an Act entitled, "An Act to Reincorporate the Town of Bridgeville," being Chapter 183, Volume 23, Laws of Delaware.

*Be it Enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (Two-thirds of all the members elected to each branch thereof concurring therein) :*

Corporate  
limits of  
town.

Section 1. That the corporate limits and boundaries of the Town of Bridgeville, hereinafter designated as "Commissioners of Bridgeville," shall include all the land within the following limits: The centre of the town to be the middle of Laws and Market Streets, thence one line to run South seventy-seven and one half degrees West one hundred and twenty rods; one line North twelve and one half degrees West one hundred and sixty rods; one line North Seventy-seven and one half degrees East one hundred and twenty rods; one line South twelve and one half degrees East one hundred and sixty rods, which lines hit the middle of the outside lines which bound the town, and which are: Beginning at a stone East of J. H. Myer's barn, runs North seventy-seven and one half degrees East two hundred and forty rods; thence South twelve and one half degrees East three hundred and twenty rods; thence South seventy-seven and one half degrees West two hundred and forty rods; thence North twelve and one half degrees West three hundred and twenty rods, to beginning.

Name of the  
corporation.

Section 2. The style and name of the corporation of said Town shall be "Commissioners of Bridgeville;" and by that name said corporation shall be and hereby is made able and capable in law to have, take, purchase, receive, possess, enjoy and retain to it and its successors, lands, tenements,

OF CITIES AND TOWNS.

hereditaments, goods, chattels and effects of what kind, nature or quality soever, in fee simple or otherwise, and the same to sell, grant, demise, alien or dispose of: to sue and be sued, implead and be impleaded, answer and be answered, defend and be defended, in all Courts of law and equity in the State of Delaware, or in any other place whatsoever; and also to make, have and use a common seal, and the same to break, alter and renew at pleasure, and generally to have all the privileges and franchises incident to a Municipal Corporation or Body Politic.

Section 3. The elective Town officers shall be an Alder-<sup>Town of-</sup>man, a Board of Commissioners to consist of five members,<sup>ficers.</sup> an Assessor, and a Treasurer. The appointive Town officers shall be such as said Commissioners of said Town shall, by ordinance, provide for.

Section 4. No person shall be eligible to any office who<sup>Who not</sup> is not, at the time of his election, a qualified voter of the<sup>eligible to</sup> State of Delaware and a resident of said Town.<sup>office.</sup>

Section 5. Every officer of said Town, before he enters<sup>Shall make</sup> upon the duties of his office, shall take an oath or affirmation<sup>oath.</sup> to support the Constitution of the United States, the Constitution of the State of Delaware, and that he will perform the duties of the office to which he has been elected or appointed, with fidelity and without favor or partiality. Such oath may be administered by any officer authorized, under the laws of this State, to administer oaths or affirmations.

Section 6. An election shall be held in said Town for<sup>Town</sup> elective officers on the first Monday of February A. D. 1912<sup>election.</sup> and annually thereafter, from 1 o'clock to 4 o'clock in the afternoon and at such place as shall be determined and fixed by the Town Commissioners. At least ten days previous<sup>Notice.</sup> thereto, due notice thereof shall be given by said Town Commissioners. At such election the votes shall be received by<sup>Justice of</sup> the State's Justice of the Peace residing in said Town and<sup>the Peace to</sup> the result of the balloting for said officers shall be ascer-<sup>receive vote.</sup>

## OF CITIES AND TOWNS.

Right to  
vote.

tained by himself and two competent citizens, qualified as voters of said Town, selected by him to assist in holding such election. At such election every male citizen of said Town who shall have attained to the age of twenty-one years and is a taxable of said Town and who shall have paid all town taxes theretofore levied and assessed against him and who shall produce a tax receipt for the same when demanded by any person who shall challenge his vote, shall have the right to vote. The persons who shall conduct such election as in this Act provided, shall be the Judges thereof and shall decide on the legality of the votes offered. Immediately after the election is closed, the votes shall be read and counted and the person having the highest number of votes for Alderman, Assessor or Treasurer shall be declared elected. The two candidates for Commissioners for the two year term who have the highest and next highest number of votes for such office and term shall be declared elected for the two year term and the candidate for Commissioner for the one year term shall be declared elected for such term; provided, however, that at the election to be held on the first Monday in February A. D. 1912, the three candidates for the one year term who have the three highest numbers of votes for such term shall be declared elected for the one year term. Immediately after such election said persons under whose superintendence the election is held shall enter in a book to be provided for that purpose, a minute of such election containing the names of all persons who were candidates for office, designating the office for which they were candidates and showing the number of votes received by each and shall subscribe to the same and deliver said book to said Commissioners, at their organization meeting. They shall also give to the persons so elected, a certificate of their election. The book containing such minutes shall be preserved by the Commissioners and shall be evidence in all Courts in this State or elsewhere. In case of the absence, inability or failure of said Justice of the Peace to serve and perform the duties of one of the Judges at the election, as required by

Certificate  
of election.

Inability of  
Justice of  
the Peace  
to serve.

## OF CITIES AND TOWNS.

this Act, it shall be the duty of the Commissioners of Bridgeville to select a competent citizen of said Town to perform the duties hereof required of said State's Justice of the Peace resident in said Town. No person shall be voted upon as a candidate for any of such offices unless at least one week before the date set for said election, he shall have filed with the Secretary or President of said Town Commissioners, a letter or other certificate setting forth that he will be a candidate for a certain designated office for a like designated term. Immediately after the expiration of the time for filing names of candidates, said Town Commissioners shall cause the election ballots to be printed. Upon such ballots the names of the candidates for the offices to be filled, arranged alphabetically under each office, shall be placed, and immediately below each group of names, instructions as to how many to vote for; for, instance, "vote for one" or "vote for two," or as many as the voter shall be entitled to vote for in any particular case. The voters shall designate their choice of candidates to be voted for, for each particular office, at such elections, by drawing a line through the names of all persons who are candidates for each particular office except those candidates in each group desired to be voted for; provided, however, that no Elector at any such election shall be allowed to vote for more candidates (but may vote for less) than the number to be elected at said election. Defective designation of a voter's choice under the head of one or more of such groups of candidates shall not invalidate such ballot so far as there shall appear to be a proper designation of choice in any other of said groups of candidates. The form of ballot shall be substantially as follows:

Shall signify  
intention to  
become a  
candidate.

OF CITIES AND TOWNS.

OFFICIAL BALLOT

Form of  
ballot.

CANDIDATES FOR ELECTION TO ELECTIVE OFFICES IN  
THE TOWN OF BRIDGEVILLE.

For Alderman.

.....  
.....  
.....

(vote for one)

For Town Treasurer.

.....  
.....  
.....

(vote for one)

For Assessor.

.....  
.....  
.....

(vote for one)

For Town Commissioner for the term  
of one year.

.....  
.....  
.....

(vote for )

For Town Commissioner for the term  
of two years.

.....  
.....  
.....

(vote for two)

## OF CITIES AND TOWNS.

The method of voting shall be by striking out the names of those not voted for so that the eligible number of candidates for any particular office shall remain on the ballot.

Method of  
voting.

Section 7. At the Town election to be held on the first Monday in February A. D. 1912 and on the same day in every year thereafter, the voters of said Town of Bridgeville shall vote for an Alderman, who shall be elected by a plurality of all the votes cast. The Alderman shall hold office for the term of one year, commencing on the Monday next following the date of his election.

Alderman.

Section 8. The Alderman is hereby constituted a Conservator of the peace within said Town, and it shall be his duty to see that the laws and ordinances governing said Town are faithfully executed.

Duty of  
Alderman.

Section 9. In case of the temporary absence of the Alderman from the Town, or temporary disability to perform the functions of his office, the President of the Town Commissioners shall, during the continuance of such absence or disability, assume and discharge the duties of Alderman with all the power and authority of the Alderman for the time being. In case of the inability of the President of the Town Commissioners of Bridgeville to act as Alderman pro tempore, the Town Commissioners shall make appointment of an Alderman pro tempore from the members of said Town Commissioners, to act during the temporary absence or inability to act of said Alderman.

Absence or  
disability of  
Alderman.

Section 10. If the office of Alderman or any other elective officer of said Town shall become vacant by reason of death, removal from the Town, or resignation of any such officer, the Town Commissioners shall make appointments to supply such vacancies and the person so appointed shall hold office for the unexpired term. In case of a tie vote, the Alderman shall have a right to vote, and should the office of Alderman become vacant and a tie vote result as aforesaid, the Town Treasurer shall have a right to vote. The provis-

Vacancies.

Tie vote.

## OF CITIES AND TOWNS.

ions of this Section shall apply to any elective office to which a person who has been elected, shall be found ineligible or shall fail to qualify or to give bond as in this Act provided.

Seal

Section 11. The common seal now used by the Commissioners of Bridgeville shall continue to be used as such until the same shall be changed, altered or renewed by ordinance passed by the Town Commissioners.

Power and  
jurisdiction  
of Alderman.

Section 12. In so far as concerns crimes, misdemeanors, and breaches of the peace committed within the corporate limits of said Town, said Alderman shall have the same power, authority, jurisdiction and cognizance as a Justice of the Peace. He shall have original jurisdiction to inquire of, hear, try and determine all offences which shall be committed within said Town against any of the laws, ordinances, regulations or charter of said Town and to punish the offender or offenders as by the said laws, ordinances, regulations or charter, shall be prescribed. The said Alderman shall have authority to punish contempt and to issue all process necessary for the exercise of his jurisdiction, and it shall be the duty of any County Constable or of the Town Constable to execute the same when placed in their hands, and any failure to properly execute the same shall be punishable as a contempt of Court. The fees of said Alderman shall be the same as are allowed Justices of the Peace for similar services under the laws of this State. It shall be the duty of the Alderman to keep a book of record or docket to be called the "Aldermans Docket of Bridgeville," which shall be provided by the Town Commissioners, aforesaid. In said docket, all his official acts shall be entered and he shall, upon the expiration of his term of office, deliver over to his successor, all the books, papers and documents pertaining to his office, within twenty-four hours after the election and qualification of his successor, and in default of so doing, he shall forfeit and pay a fine of Twenty-five Dollars and in default of payment thereof, shall be imprisoned not exceeding thirty

Fees

Shall keep  
a docket.Shall deliver  
to successor.Penalty for  
default.

OF CITIES AND TOWNS.

ch days. Any Justice of the Peace in Sussex County shall have  
or jurisdiction to hear and determine said cause.  
d.

Section 13. At the Town election held on the first Mon-  
day in February A. D. 1912, five Commissioners shall be  
elected, three of whom shall serve for one year and two of  
whom shall serve for two years. Annually thereafter, three  
Commissioners shall be elected, two of whom shall serve for  
two years and one of whom shall serve for one year. The  
terms of office of the Alderman, Assessor, Town Treasurer  
and Town Commissioners in office at the time of the passage  
of this Act, shall be continued and extended to, but end and  
terminate on the second Monday in February A. D. 1912,  
but all of said Officers now in office shall have and exercise  
all the powers set forth in this Act. All acts and transac-  
tions heretofore done and performed by said "Commission-  
ers of Bridgeville" in so far as the same may have been de-  
fective by reason of failure to hold elections in the manner  
prescribed by law, are hereby ratified, confirmed and made  
valid with the same force and effect as though said elections  
had legally been held, and the issue of bonds under the pro-  
visions of "An Act Authorizing the Commissioners of  
Bridgeville To Borrow Money and Issue Bonds To Secure  
The Payment Thereof, For The Purpose of Providing a Sup-  
ply of Water and a Sewerage System for the Town of  
Bridgeville, and To Control and Regulate the same," being  
Chapter 195, Volume 25, Laws of Delaware, is hereby rati-  
fied and confirmed and said bonds declared to be binding ob-  
ligations against said Commissioners of Bridgeville.

Commis-  
sioners.

Annual  
election.

Terms of  
office.

Former acts  
ratified and  
confirmed.

Issue of  
bonds rati-  
fied and  
confirmed.

Section 14. At the first meeting of said Town Commis-  
sioners after their election, in the year 1912 and annually  
thereafter, they shall choose a President and a Secretary  
from among their own number. The President shall be the  
presiding officer and the Secretary shall keep a record of all  
the proceedings of said Town Commissioners in books to be  
provided for that purpose and shall carefully preserve all

President  
and Secre-  
tary chosen.



## OF CITIES AND TOWNS.

books, papers and documents and deliver the same to his successor in office.

Regular meetings.

Section 15. Regular meetings of the Town Commissioners shall be held on the second Monday in each and every month at 8 o'clock P. M., at such place as the Town Commissioners shall, by resolution, provide. Special meetings

Special meetings.

may be called by the President upon his own motion or shall be called at the request of three members, and proceedings at such special meetings shall have the same force and effect as at regular meetings, provided personal notice be given to each member and a record thereof entered on the journal. They shall conduct their proceedings in accordance with rules to be adopted for that purpose. Three members shall constitute a quorum for the transaction of business and the acts of a majority of the members present shall be valid except for the adoption of ordinances.

Quorum.

Ordinances:  
how acted  
upon.

Section 16. No ordinance shall be passed, amended, or repealed except with the concurrence of a majority of all the Town Commissioners and unless it shall have had at least two readings at a previous meeting or meetings, and the votes of all members voting entered upon the Journal. All elections for officers to be appointed by the Town Commissioners shall be by ballot. The Town Commissioners shall not have power to pass any ordinance exempting any individual from the operation of any general ordinance or Town regulation.

"Town Commissioners."

Section 17. Said Town Commissioners shall constitute the Legislative Body of said Town and shall be denominated, when assembled, "Town Commissioners." The Town Commissioners shall have power to enact ordinances to preserve the health of the Town and to prevent the introduction of infectious and contagious diseases for which purpose jurisdiction shall extend to any distance within one-half mile of the limits of said Town. The Town Commissioners may also pass ordinances to define and remove nuisances; to ascertain and fix the boundaries of streets, squares, lanes and alleys,

Powers of  
the Com-  
missioners.

Nuisances.  
Streets.

OF CITIES AND TOWNS.

or to repair and amend the same, and provide for the paving thereof, or to alter, extend or widen any street, square, lane or alley, or open and lay out new ones, subject to the provisions in that behalf hereinafter contained; to regulate and fix the ascent and descent of all streets, lanes and alleys; to direct the paving of all foot-ways and to prescribe the width thereof; to direct the laying out of gutters and to prescribe the depth thereof; to prescribe the extent of steps, porches, cellar doors and other inlets to buildings; to prescribe and regulate the use of the highways, streets, squares, lanes and alleys of the Town and to have and exercise control over the same subject to the provisions in that behalf hereinafter contained and to the general supervision and control of the General Assembly of the State of Delaware; to provide for the regulation of auctions and auctioneers; to license and regulate public amusements; to regulate party walls; to provide for the safety of the citizens; to prescribe the height and thickness of walls and material of buildings and the safe erection of the same within said Town in such way as to provide for and secure the safety of the inmates thereof, and may make provision for the enforcement of such regulations; to provide against the adulteration of foodstuffs sold or brought to be sold in said Town and to provide for the proper inspection of the same; to license and regulate peddlers and pool rooms; to provide for the proper lighting of streets, squares, lanes and alleys of said Town and for the maintenance of the water works of said Town, and in its discretion to provide for the payment of the expenses thereof; to regulate the storage of gun powder or other dangerously combustible matter; to lay and collect fines on owners or harborers of any dog or hog which may be found at large in any of the streets, lanes or alleys of said Town and in general, shall have power to do all those matters and things for the well being of said Town which shall not be in contravention of any existing laws of this State or of the Constitution thereof.

Paving.

Amusements.

Light and water.

## OF CITIES AND TOWNS.

May levy  
a tax.

Proviso.

Further  
proviso.

Not to ex-  
ceed \$2500.

Town  
Treasurer.

Section 18. Said Town Commissioners shall cause a fund to be raised by way of tax upon persons authorized to vote for Town Commissioners by this Act, and upon all lands and tenements, and any interest in such lands and tenements within the lines of said Town; provided, that all lands and tenements or any interest therein not within the corporate limits of the said Town of Bridgeville prior to the passage of this Act, shall not be subject to any taxation for the uses of the said Town (excepting school taxes) until such time as said property or any part thereof, to be taxed for uses of said town shall have established thereon all the advantages, improvements and benefits of streets, street lighting, sewers, inlets, water-mains and fire plugs as have been established, enjoyed and provided for upon and abutting the properties within the corporate limits of said town prior to the passage of this Act, and provided further, that all lands, tenements and any interest in such lands and tenements within the limits of said town as are now exempt from taxation shall from and after the passage of this act continue so to be exempt from taxation; and provided further, that in no case shall the tax so raised exceed the sum of Twenty-five Hundred Dollars in any one year, without an Act of the Legislature of the State of Delaware authorizing such increase; provided however, that the provisions of this section shall not affect or be affected by the provisions of an Act entitled: "An Act Authorizing the Commissioners of Bridgeville to Borrow Money and Issue Bonds to Secure the Payment Thereof, for the Purpose of Providing a Supply of Water and a Sewerage System for the Town of Bridgeville, and to Control and Regulate the Same," approved March 12, A. D. 1909.

Section 19. At the Town election in each year the qualified voters of said Town shall vote for a Town Treasurer who shall be elected by a plurality of votes cast. Said Town Treasurer shall hold office for the term of one year beginning on the second Monday in February following his election.

## OF CITIES AND TOWNS.

Section 20. Said Town Treasurer shall, before entering upon the duties of his office, give bond to the "Commissioners of Bridgeville" in such amount as shall be determined by the Town Commissioners, with surety to be approved by said Town Commissioners conditioned for the faithful performance of the duties of his office, with a Warrant of Attorney for the confession of judgment thereto annexed.

Treasurer  
to give bond.

Section 21. All monies belonging to the Town which shall come into the hands of the Town Treasurer shall be by him deposited every day in some incorporated Banking Institution to be designated by the Town Commissioners, such deposits to be made in the name of "Commissioners of Bridgeville," except in the case of money proceeds arising out of a bonded debt authorized by the General Assembly for a specific purpose or use, in which case such money shall be deposited in the name of "Commissioners of Bridgeville" for the special purpose or use for which the debt was authorized and shall only be drawn out for such special purpose or use. All monies so deposited shall be drawn out only on an order signed by the President and Secretary of said Town Commissioners and countersigned by the said Town Treasurer, or in case of the absence or temporary disability of any of said three persons, then by such person as the Town Commissioners may designate by resolution, and the others.

Deposit of  
moneys.

How drawn  
out.

Section 22. The Town Treasurer shall furnish to the Town Commissioners at each regular meeting, an itemized statement of all monies received by him during the period between such regular meeting and the one immediately preceding, together with the aggregate amount paid out during said time, and the balance remaining therein at the time of making said statement. If the Town Treasurer shall pay any money contrary to the provisions of this Act, he shall forfeit and pay to the corporation for every such offense, a fine of One Hundred Dollars, and he and his sureties shall

Itemized  
statement.

Treasurer  
may be  
fined.

## OF CITIES AND TOWNS.

be liable to the Town upon his official obligation for any money so paid out by him.

Duty of  
Treasurer.

Section 23. The Town Treasurer shall perform such duties as are prescribed by this Act or by any ordinance the Town Commissioners shall from time to time enact, and which shall not be inconsistent with the provisions of this Act. The Town Commissioners may enforce by suitable penalties, and duties enjoined by this Act or by such ordinance, except where penalties are provided by this Act.

Town  
Auditors.

Section 24. At or prior to the regular meeting of the Town Commissioners to be held on the second Monday in January of each year, the Town Commissioners shall appoint one or more competent persons to audit the accounts of all Town Officers for the fiscal year ending on the second Monday in February, and such person or persons so appointed, shall present his or their report at the organization meeting of the Council in the month of February. Said Auditor or Auditors shall be paid such amount for his or their services as said Town Commissioners shall determine. Copies of said report shall, sometime in the month of February in each year, be posted in at least five of the most public places in said Town.

Compensa-  
tion.

Copies to  
be posted.

May employ  
an attorney.

Section 25. Said Town Commissioners shall have authority to employ an Attorney, either regularly or for such special services as they may need and he shall be paid only such amount as said Town Commissioners shall determine and there shall not be, in any such case, any appeal from the decision of such Town Commissioners.

Lockup or  
jail may be  
maintained.

Section 26. That said Town Commissioners shall have authority to build and maintain or to lease a suitable place as a lockup or jail for the use of said Town, and the Alderman of said Town or any Justice of the Peace, in enforcing the provisions of this Act, or of any ordinance of said Commissioners of Bridgeville, may commit to the said lockup or jail, for any time not exceeding one week; or may commit

## OF CITIES AND TOWNS.

to the public jail of Sussex County for any longer term in any case, and for the term of one week or less in case said Town Commissioners shall not provide such lockup or jail within said Town. The lockup or jail of said Town shall be in the charge of the said Town Constable (who shall be under the supervision of said Town Commissioners), whose duty it shall be to provide for the maintenance of such persons as from time to time may be confined therein, and the expenses of such maintenance shall be defrayed upon bills presented to and approved by said Town Commissioners.

Lockup to  
be in charge  
of constable.

Section 27. Said Town Commissioners shall have power to appoint and remove necessary Town Constables. The number of such constables (if more than one) shall be defined by ordinance. Such constable or constables shall perform such duties as may be prescribed by the General Assembly of the State of Delaware, or by ordinance of the Town, and shall have such power and authority within the limits of said Town as a constable of the State of Delaware in and for Sussex County, as to the cognizance of all breaches of the peace and other offences within said Town and his fees and emoluments shall be the same as those of a County Constable for like services; provided that said Town Commissioners shall have authority by ordinance to fix additional compensation for him.

Constables.

Section 28. No person shall be appointed a Constable who has been convicted of a crime or who cannot read or write understandingly the English language.

Who shall  
not be ap-  
pointed.

Section 29. The Town Commissioners may, upon any emergency or apprehension of riot or mob, appoint as many special constables as they may deem advisable. During such special service the special constables shall possess the power and perform the duties of the regular Town Constables, and shall receive such compensation as shall be authorized by said Town Commissioners, and there shall be no appeal from the determination of said Town Commissioners as to such compensation.

May appoint  
additional  
constables.

## OF CITIES AND TOWNS.

Duties of the  
town officers.

Section 30. It shall be the duty of the Alderman, Town Commissioners, Town Constable, County Constable and Justice of the Peace residing in said Town, or any of them to suppress all riotous, turbulent, disorderly or noisy conduct of any person, or any disorderly or noisy assembly or gathering on any of the streets of said Town or in any house therein; and for this purpose it shall be the duty of any such constable, without warrant, to seize and arrest such person caught in the act of so offending and carry him before said Alderman or said Justice of the Peace, and upon conviction before either of said officials, the person so offending shall pay a fine of not less than one dollar and not more than twenty dollars, or in default of payment thereof, be committed to jail for a term of not less than five days nor more than twenty days. Any person or persons charged with any of the offences set forth in this section may be arrested on a warrant issued by said Alderman or Justice of the Peace and upon conviction, shall be subject to the penalties herein set forth as though arrested while committing said breach of the peace.

Fire, fire-  
works, pis-  
tols, etc.

Section 31. The Town Commissioners may provide, by ordinance, for the protection of said Town against fire and for the prevention or suppression of the firing of guns, pistols, or letting off fire works within the limits of said Town, and may provide in said ordinances for the punishment of violations thereof by reasonable fines, or imprisonment in default of the payment thereof.

Fines, to  
whom paid.

Section 32. Any fine imposed under the provisions of this Act or by any ordinance of said Town of Bridgeville, whether imposed by said Alderman or said Justice of the Peace, shall be paid over to said Town Treasurer for the use of the Town.

Compensa-  
tion of the  
several  
town offi-  
cers.

Section 33. The Alderman shall not receive any compensation except the fees provided for in this Act. The Secretary, Assessor, Constable and Town officers provided for by ordinance shall receive such compensation as the Town

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Commissioners shall by ordinance provide. The Treasurer shall receive such compensation for his services as Treasurer and such separate compensation for the collection of taxes as the Town Commissioners shall determine. Each Town Commissioner shall receive one dollar for each regular monthly meeting he shall attend and whenever any Town Commissioner is called by Town business out of the Town limits, the Town Commissioners may allow to said official his actual traveling expenses and such other reasonable compensation as may be deemed proper.

Section 34. The said Town Commissioners shall exercise a general and supervisory power over the assessor who shall be elected at each Town election for the term of one year, to begin on the Monday following his election, and like power over the Town Treasurer, and shall cause such Assessor to make a faithful, full, fair, and complete assessment of all the property in said Town liable to taxation. Said Town Commissioners may adopt such rules and regulations as they deem expedient to produce fairness, equality, and completeness of assessment and shall have full power at any time to examine the assessments while the assessor is making them and cause them to be conformed to such rules and regulations as such Town Commissioners may have adopted.

Supervisory  
power of  
commis-  
sioners.

Rules and  
regulations.

Section 35. The Town Assessment shall be completed and delivered to the Town Commissioners by the Assessor, in duplicate, during the month of February in each year, and all taxes shall be collected before the first day of July in the succeeding year. For any amount remaining on the Town Treasurer's duplicate uncollected at that time and not sufficiently accounted for or allowed for errors, delinquencies or otherwise by the Town Commissioners, the said Town Treasurer and his sureties may be held accountable upon their bond; the said Town Commissioners may, by resolution, extend the time for the collection of said taxes; provided, however, that all taxes shall be a lien on the property

Town as-  
sessment.

Lien on  
property.



## OF CITIES AND TOWNS.

Sale of  
property.

so assessed, until paid. The said lien shall be fully paid and satisfied before any recognizance, mortgage, judgment, debt, obligation or responsibility which the real estate may be charged with or liable to. In the case of sale under execution process of any real estate upon which any such tax lien shall exist, such lien shall be transferred to the fund arising from such sale in the hands of the officer making the same; provided that if such fund shall not be sufficient to pay and discharge the said tax lien by reason of said real estate having been sold subject to another or other lien or liens, then the unpaid balance of tax shall remain a lien upon the lands so sold. In case of such sale, the Town Treasurer shall file the tax claim with the officer making such sale, which officer shall be bound by the provisions of this section.

Assessment  
of real es-  
tate.

Section 36. All real estate within said Town shall be assessed according to the assessed value. The assessment of real estate shall be made according to a certain rate on and upon every hundred dollars of the estimated value of the property assessed, if sold for cash and so pro rata. The real estate shall be described with sufficient particularity to be clearly identified and the principal improvements thereon, if any, shall also be specified. Real estate, the owner or owners of which cannot be found or ascertained, may be assessed to "Owner unknown." Every male citizen of said Town above the age of twenty-one years shall be rated for a capitation tax in addition and without regard to the assessment of real estate, at a capital not exceeding One Thousand Dollars nor less than One Hundred Dollars. To better enable said Assessor to make said assessments, he shall have the right to examine all records in the County offices kept at Georgetown, free of all costs and charges.

Capitation  
tax.

Assessor  
may examine  
records.

Power to  
revise.

Section 37. The Town Commissioners, upon receiving such assessment, shall forthwith examine it, with power to revise, alter or add any assessment on or before the ensuing thirty-first day of March. After receiving said assessment

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list, said Town Commissioners shall cause a full and complete copy thereof to be posted for one week in a public place <sup>List to be posted.</sup> in the post-office of said Town (or such other place as the Town Commissioners shall, by resolution, determine), and the Secretary of said Town Commissioners shall give notice <sup>Notice.</sup> by written or printed copies posted in at least five of the most public places in said Town that such assessment, being completed, is posted at the designated place for public inspection. Said notice shall also designate the time appointed by said Town Commissioners for sitting as a Board for Appeals.

Section 38. Said Town Commissioners shall sit at some <sup>Appeals.</sup> public and convenient place in said Town one afternoon during the month of March in each and every year from 2 o'clock until 4 o'clock in the afternoon, to hear appeals from assessments, and shall continue to sit during the same hours each afternoon thereafter (except Sundays), as long as may be necessary to adjudge appeals. Upon appeals the said <sup>Power of Commissioners in appeals.</sup> Town Commissioners shall have power to alter any assessments and to make additional assessments and to determine and to do whatever may appertain to justice and right. Appeals may be filed in writing with the Secretary or made directly to said Board. <sup>How filed.</sup> No appeals shall be received or heard nor shall said list be altered or added to after the thirty- <sup>Limit for hearing appeals.</sup> first day of March in any year.

Section 39. The assessments being so settled as aforesaid, the said Town Commissioners shall, on or before the <sup>Shall determine amount to be raised.</sup> fifteenth day of April in each year, determine the whole amount of money necessary to be raised for the use of the Town by taxation during the year of said assessment and shall apportion such amount among the several persons and estates assessed upon the Town assessment and so pro rata; said assessment list shall, on or before the twentieth day of April in each year, be delivered to the Secretary of said <sup>List delivered to secretary.</sup> Town Commissioners who shall immediately write thereon the warrant of said Town Commissioners for the collection

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List deliv-  
ered to  
treasurer.

of said taxes, which said warrant shall be signed by the President of said Town Commissioners, under the seal of said Corporation, and countersigned by said Secretary, and the said lists and warrant thereon shall be delivered by said Secretary to said Town Treasurer on or before said twentieth day of April, whereupon it shall be the duty of said Town Treasurer to forthwith collect and receive the taxes thereupon, and in collecting said taxes he shall have the same powers as are given by law, to the collector of County rates and levies in and for Sussex County. The powers, duties, and authority of said Town Treasurer as to the collection of taxes shall continue after his term as Town Treasurer shall otherwise have expired, when he shall be known as "Late Town Treasurer."

Power to  
enjoin duties  
upon Asses-  
sor and  
Treasurer.

Section 40. The said Town Commissioners shall have power, by ordinance, to enjoin upon the said Assessor, and upon said Town Treasurer, acting as collector of taxes, any duties in addition to those in this Act specified, touching the assessment and collection of taxes, which it shall deem necessary or proper for carrying into effect the provisions of this Act, and may enforce by suitable penalties, any duties so enjoined by this Act or by such ordinance as aforesaid.

When  
Treasurer  
shall become  
responsible.

Section 41. Upon the delivery to a Town Treasurer of such lists, with said warrant, to collect such taxes, he and his sureties, his and their executors and administrators shall become and hereby are declared to be responsible for the whole amount of money which it shall be his duty to collect, subject only to such just allowances as shall be made to him or them upon settlement with said Town Commissioners as hereinafter provided.

Five per  
cent. de-  
ducted.

Section 42. All Town taxes assessed as aforesaid, paid before the month of July shall be entitled to an abatement of five per centum; all such taxes thereafter paid before the month of January shall be entitled to no abatement; all such taxes paid after the month last aforesaid shall be increased

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by the addition of five per centum to the amount of the face thereof. Five per cent. added.

Section 43. If any such Town Treasurer die or remove from said Town, or in the judgment of said Town Commissioners be incapable of performing his duties, the Town Commissioners may, upon petition by the surety of such Town Treasurer, and being satisfied that it is a proper case for relief, appoint another person to collect the residue of the unpaid taxes and may compel the delivery to such person of the list and warrant or cause a new one to be issued to him, bond with surety being first given as required by this Act in the case of the original Town Treasurer. Thereupon such other person so appointed and his sureties, his and their executors and administrators, shall become responsible for the uncollected taxes subject to allowances as herein provided. Such appointment shall not discharge the first Town Treasurer or his sureties from any part of their original responsibility, but all sums collected by the substituted collector shall be credited to him. All the powers, duties and liabilities of the Town Treasurer shall devolve upon the substituted collector and his sureties, executors and administrators upon final settlement with the Town Commissioners as herein provided. The said Town Commissioners shall make a just apportionment between the original Town Treasurer or his representative and the substituted collector, of the compensation allowed for the collection of taxes. In case of death or removal of the treasurer.  
Shall not discharge responsibility of first treasurer.  
Shall make apportionment.

Section 44. The Town Treasurer and the substituted collector provided for in this Act shall make deposits in the depository bank of said Town to the Credit of "Commissioners of Bridgeville," of the taxes from time to time collected by either of them at such times and in such manner as the Town Commissioners may, by ordinance direct. Deposit of taxes collected.

Section 45. The Town Treasurer or substituted collector, as the case may be, shall appear before the Town Commissioners at such time or times and place as said Town Treasurer shall report at appointed times.

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Commissioners shall appoint, and produce to them a list of taxes as aforesaid, together with the certificates of deposit as aforesaid, and thereupon the said Town Commissioners shall ascertain and determine whether, after a just allowance for errors, delinquencies or otherwise, any and what sum is due and unpaid from such Town Treasurer to said Town.

Treasurer shall make oath.

Section 46. The Town Treasurer shall, before entering upon the duties of his office, take an oath or affirmation similar to that hereinbefore prescribed to be taken by members of the Town Commissioners, and shall give a separate bond as to the collection of taxes to the "Commissioners of Bridgeville," in addition to any other bond which may be required of him, with security to be approved by said Town Commissioners, in an amount to be determined by said Town Commissioners, conditioned for the collection of said taxes and for the faithful performance of all the duties of his office, in so far as the collection of taxes is concerned, that may be prescribed by said Town Commissioners. Said bond shall have annexed thereto a warrant of attorney for the confession of judgment thereon. Said bond must be given by such Town Treasurer within ten days after his election.

Bond.

Shall not exempt any person.

Section 47. Said Town Commissioners shall not have power to release or exempt any person or persons who are liable to taxation from their proper share or proportion of the taxes of the Town, either by commutation for services, by gratuity or otherwise.

Tax on telephone, telegraph, electric light poles, etc.

Section 48. Said Town Commissioners shall have power and authority to levy and collect taxes upon all telephone, telegraph and electric light or trolley poles or other erections of like character erected within the limits of said Town and the Town Commissioners may, by ordinance, prescribe the mode of levying and collecting the same. In case the owners or lessees of such poles or erections shall refuse or neglect to pay the taxes that may be levied thereon, said Town Commissioners shall have authority to cause the same to be re-

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moved and may institute suit to recover the amount of taxes so levied, and the expenses incident to the removal of such poles or erections.

Section 49. That the owners or possessors of dogs <sup>Tax on dogs.</sup> within the corporate limits of said Town may be required to pay a tax of Fifty Cents on every male dog and One Dollar on every female dog over two months old, when said dogs are properly assessed as in this Act set forth. The assessor, when making up his assessment shall also make a list of the <sup>List of owners of dogs.</sup> owners of dogs, the number owned by each and the sex of such dog or dogs, and such list may be added to or subtracted from by said Town Commissioners, and a copy of such list so corrected, as aforesaid, shall be delivered by said Town Commissioners, to the Town Treasurer at the same time with the duplicate for the collection of other taxes and shall contain a warrant similar to that for the collection of taxes, directing said Town Treasurer to collect said tax on dogs. Appeals may be made from such assessment in the <sup>Appeal.</sup> same manner as assessments from real estate, except that the only question to be determined shall be the age and sex of such dogs and the ownership or possession thereof.

Section 50. That the Levy Court of Sussex County be <sup>Levy Court to pay not less than \$350.</sup> and it is hereby directed, in making the apportionment of the sum of the road tax to be paid to the overseers of roads, annually to make an Order for the payment to the Commissioners of Bridgeville of not less than Three Hundred and Fifty Dollars, to be by said Town of Bridgeville, expended in repairing and maintaining in proper order, the roads, streets and bridges within the limits of said Town, such provisions being in accordance with existing law; and the said Commissioners of Bridgeville shall have the sole supervision <sup>Sole supervision.</sup> of said roads, streets and bridges and shall settle with the said Levy Court the same as other overseers of public roads. <sup>Providso.</sup> Provided always, that the said Town of Bridgeville shall in no case be required to repair or keep in order any roads or highways subject to be supported by the County of Sussex.

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Pavements.

Section 51. Whenever said Commissioners shall, by ordinance, determine that all of the unpaved footways or sidewalk of any street on either side, between the lines of any two or more streets shall be paved, they shall have full power and authority to direct the owner or owners of the properties abutting on such footway to pave the same within thirty days, to such breadth and in such manner and with such materials as said ordinance shall prescribe. Whenever said Commissioners of Bridgeville shall, by ordinance, determine that all of the uncurbed properties abutting upon any street on either side between the lines of any two or more streets shall be curbed, they shall have the power and authority to cause such curbing to be done in such manner and with such materials as said ordinance shall prescribe. In case of the refusal of the owner of such properties to pave or curb as aforesaid, the said Town Commissioners shall do such paving or curbing or both, or cause the same to be done and shall pay for the same and shall forthwith present to each of said owners, a bill for the proportion of such expense so chargeable to such owners, and if the amount of said bill be not paid within ninety days after such presentation thereof, it shall be the duty of said Town Commissioners to bring suit by an action of debt, for the recovery of the same and a judgment recovered in favor of said corporation, upon entry in the office of the Prothonotary of the State of Delaware in and for Sussex County shall be a lien on any real estate of the defendant within said County for the term of ten years and may be collected as in the case of any other judgment of like character.

Curbing of property.

In case of refusal, Commissioners to act.

May become a lien.

Drainage

Section 52. Said Town Commissioners shall have entire jurisdiction and control within the limits of said Town, of the drainage thereof and may pass ordinances for the opening of gutters, drains and sewers within the limits thereof and the regulating and maintaining, cleansing and keeping the same, and the natural water courses, runs and rivulets open, clear and unobstructed and for that purpose may authorize the entry upon private lands and by general

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regulations prescribe the mode in which they shall be opened, maintained, cleansed and kept open and unobstructed and who shall pay the expense thereof, and may, in their discretion, assess the costs thereof upon the persons and property, real and personal of those particularly benefited thereby, or of those owning or holding lands through or along which said sewers, drains or water courses shall flow or pass and prescribe the mode of collection thereof; provided that nothing herein contained shall be construed to authorize the taking of private property for public use without just compensation.

Section 53. Said Town Commissioners in order to provide for the health of the citizens of said Town shall have power, and they are hereby authorized and directed to adopt and promulgate suitable rules and regulations for the construction of drainage and removal of nuisances and for the enforcement of such rules and regulations and to make provisions for the punishment of persons who shall refuse or neglect to comply with the same.

Rules and regulations regarding health.

Section 54. The doing of all work and the furnishing of all materials and supplies, where the cost thereof in any particular instance shall exceed one hundred dollars, shall be let out by said Town Commissioners to the lowest and best bidders, except in cases where it is not practicable to do such work or furnish such materials and supplies by contract. In such cases the Town Commissioners shall give at least one week's public notice that they will receive proposals for such work, materials or supplies, such notice to be given in such manner as the Town Commissioners shall prescribe.

May receive proposals for work, materials, etc.

Section 55. Water rates shall be fixed by said Town Commissioners at prices that shall produce revenue sufficient at least, to pay the interest on the water bonds and the running expenses of the water works.

Water rates.

Section 56. No person or corporation shall open or excavate the bed of any street or highway for the purpose of

Consent must first be obtained.



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laying or placing pipes, conduits, rails or other conductors or means of traffic therein, without first obtaining the consent of the duly constituted authorities of such Town; provided however, that nothing herein contained shall require such consent before opening or excavating the bed of any such street or highway for the purpose of making repairs.

Town not  
responsible  
for damage.

Section 57. The Town of Bridgeville shall not be responsible for any damage that may result to persons or property by reason of any hole, excavation or obstruction in and upon the footways, or sidewalks of said Town or from any defective condition of such footways or sidewalks, unless such hole, excavation or obstruction or other defective condition of the footways or sidewalks aforesaid is caused by said Town or its authorized agents.

May widen  
or extend  
streets, etc.

Section 58. It shall be lawful for said corporation, from time to time and as occasion may require, further to extend and to widen any street, square, lane, road or alley of said Town and likewise to lay out all necessary new streets, squares, lanes, roads or alleys within said Town, but only after proceedings to be had as follows: Upon the written application to said Commissioners by ten or more qualified voters of said Town at least thirty days before any regular Town election recommending the further extension and widening of any street, square, lane, road or alley within said Town or the laying out, and opening of any new street, square, lane, road or alley within said Town, said Commissioners shall adopt a resolution, submitting to the qualified voters of said Town the question as to whether any such street, square, road, lane or alley shall be widened, extended, opened, or laid out, as the case may be, and such resolution shall give a description of the property necessary to be taken for such purpose. At said election, the question submitted shall be substantially as follows:

Proceedings  
must first  
be had.

Question  
submitted.

"Shall the Town of Bridgeville widen (or extend and open or lay out any street or new street as the case may be)  
Street? (Here give general

## OF CITIES AND TOWNS.

description of the lands to be taken)." Below this shall be word "Yes" and below it the word "No," as follows:

Yes.

No.

Each person voting shall vote by striking out either of said words so that the remaining word will indicate whether or not he shall vote for or against said proposition. The vote shall be ascertained by the same officers who conduct said Town election and the result thereof shall be certified to the Town Commissioners, showing the number of votes cast for and the number of votes cast against said proposition. If a majority of said votes cast are in favor of the said proposition, said Commissioners, after at least ten days written notice to all persons interested in the property to be taken, shall make written application to the Resident Judge of the Superior Court of the State of Delaware in and for Sussex County, who shall issue a Commission under his hand directed to five impartial freeholders of Sussex County, commanding them to assess the damages or benefits that may result from the extending, widening, laying out or opening of such streets, squares, lane, road or alley to the owner or owners of property or ground necessary to be taken or occupied therefor. Said freeholders shall take into consideration all of the circumstances of benefit and convenience as well as of the detriment to result to such owner or owners and shall make return of their proceedings to said Judge at a time in said Order appointed. Said freeholders shall first be duly sworn or affirmed as in said Commission shall be directed and shall then view the premises, and they or a majority of them shall assess the damages or benefits aforesaid and shall make return in writing of their proceedings in the premises to the said Judge, who shall file the same in the office of the Prothonotary in and for Sussex County. The return upon one Commission shall not be conclusive, but upon application by the Commissioners of Bridgeville or any person interested, within fifteen days after the filing of such

Method  
of voting.

Shall make  
application.

Freeholders  
to be ap-  
pointed.

Duty of  
freeholders.

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Commission  
of Review.

return, said Judge shall issue a Commission of Review appointing five other freeholders of said County, with like instructions as were contained in the first Commission; provided, that if a Review be granted upon the application of a person or persons interested, the Review shall extend only to the assessment of damages or benefits made in respect to the person or persons making such application. If the return to said Two Commissioners shall correspond as to the amount of damages or benefits such amount shall be conclusive; but if there be two returns and none conclusive under the foregoing provisions, the Judge shall confirm such one of them as he shall deem most just and the return so confirmed shall be conclusive. If no appeal is taken as aforesaid within fifteen days after the filing of the return of the first Commission, such return shall be conclusive. Said Judge shall have power to fill any vacancy in any such Commission at any time. No exception can be taken to the qualifications of the freeholders appointed under the provisions of this Section unless made to said Judge within five days after such appointment. There shall be allowed to said Commissioners for their services Two Dollars per day to be paid by the Commissioners of Bridgeville. The amount of damages or benefits being so ascertained, the Commissioners may pay or tender such damages to the person or persons entitled thereto within two months after the same shall have been finally ascertained, or if the person or persons so entitled reside out of or are absent from, the Town of Bridgeville, during said period of two months, then the same may be deposited to his or her credit at Baltimore Trust Company, Bridgeville, Delaware, within said time, and thereupon the said property or ground may be taken or occupied for the use aforesaid. Whenever damages shall have been assessed to any owner or owners of property as aforesaid, and the Commissioners shall fail, omit or neglect to pay or tender the amount of said damages or deposit the same in the manner and within the time herein specified, no further application or proceedings shall be made or had for the opening, extending or widen-

Compensa-  
tion.

Payment of  
damages.

Neglect of  
Commis-  
sioners to  
pay or ten-  
der amount.

## OF CITIES AND TOWNS.

ing of said street, square, lane, road or alley until after the expiration of one year. Upon the approval of the assessment of benefits as herein provided, said return shall be conclusive evidence of a debt for that amount due to "Commissioners of Bridgeville" from the owners of the property against which said benefits were assessed, and said Commissioners of Bridgeville shall have power to recover judgment therefor against the owner of such property in an action before any Justice of the Peace in and for Sussex County, and such judgment, upon entry in the office of the Prothonotary in and for Sussex County, shall be and remain for ten years, a lien upon all the lands of such defendant situate within Sussex County. The provisions of this section as to the assessment of damages or benefits shall not apply if a majority of said Commissioners shall agree with the owner or owners of such property as to the amount of such damages or benefits, and such damages or benefits, as the case may be, paid to the parties entitled and the conveyance of the lands necessary for such street, free of all liens and encumbrances, be made in favor of such Town.

May recover judgment.

Shall be a lien.

Section 59. The word "damages," when used in the preceding section, shall refer to and mean an equivalent in money which the owner of any property to be taken sustains over and above the benefits resulting to him from such improvement, by reason of said condemnation proceedings, and the amount which each such owner is entitled to receive from the Commissioners of Bridgeville; and the word "benefits," when used in said section, shall mean that sum of money which any property owner shall be benefited in excess of any detriment to him and in excess of the benefits to the citizens of said Town generally, by virtue of said condemnation proceedings and the amount which, by reason of such benefits, he shall be required to pay to said Commissioners of Bridgeville.

What is meant by the word "damages."

What is meant by the word "benefits."

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Section 60. That all acts or parts of acts inconsistent herewith be and the same are hereby repealed.

Approved April 13, A. D. 1911.

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## CHAPTER 234.

## OF CITIES AND TOWNS.

## AN ACT to Re-Incorporate the Town of Seaford.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two-thirds of the members of each branch thereof concurring therein) :*

Section 1. That the limits, streets, alleys, lanes and sidewalks of the town of Seaford in Sussex County, shall be <sup>Limits of the town.</sup> and they are hereby declared to be as established by Section 10 of an act entitled "An Act to incorporate the town of Seaford and for other purposes" being Chapter 541 of Volume 12 of the Laws of Delaware, passed at Dover March 15, A. D. 1865, with the addition thereto included within the following lines, namely,—

Beginning at a point on the northerly side of Nanticoke <sup>Motes and Bounds.</sup> River where the same is touched by the lines mentioned and established in said Section 10 of Chapter 541 of Volume 12 of the Laws of Delaware, thence running with said River in a westerly direction to the line of lands of Clarence Donoho; thence with the line of lands of said Clarence Donoho and with the line of lands of Woodburn Martin, in a northerly direction to the public road leading from Seaford to Reliance; thence with the southerly line of said public road in an easterly direction until it reaches the limits of said town as established in said Section 10 of Chapter 541 of Volume 12 of the Laws of Delaware; and including all of the consolidated school districts Nos. 70, 102, 70½ and 102½, lying on the westerly side of the corporate limits of the said town of Seaford, so as aforesaid established in and by said Section 10 of Chapter 541 of Volume 12 of the Laws of Delaware. And the Council of The Town of Seaford may at any time

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May cause a resurvey. hereafter cause a resurvey and plot to be made of the said town as its limits are established by this act, and the said plot when so made and approved by the said Council shall be recorded in the Recorder's office in and for Sussex County, and shall be evidence in all courts of law and equity in this State.

Town Council to be composed of seven members.

Election to be held.

Mayor to serve one year.

Terms of the Councilmen.

Mayor shall be a resident freeholder.

Shall be eligible if wife is a freeholder.

Hours of holding election.

Section 2. There shall be a council of The Town of Seaford to be composed of seven members, one of whom shall, by said council, be chosen president of said council for the term of one year, or until his successor shall be elected. The councilmen now constituting the town council and other officers of the town, shall continue in office until their successors are duly elected or chosen and qualified. On the first Monday in March A. D. 1911, an election shall be held at the town hall in the town of Seaford, or at such other place as may be designated by the present council of The Town of Seaford, at which said election a mayor and four councilmen shall be elected by the qualified electors of the said town of Seaford. The mayor chosen at such election shall be elected for the term of one year, or until his successor shall be elected and qualified; and two of the councilmen voted for at said election shall be elected for the term of two years, or until their successors are elected and qualified; and two of said councilmen shall be elected for the term of three years, or until their successors are elected and qualified; and thereafter on the first Monday in March of each and every year a mayor shall be elected for the term of one year, and councilmen shall be elected for the term of three years, to succeed those whose terms have expired. The mayor and each of said councilmen shall be a resident freeholder of said town of Seaford; but any married man resident of said town whose wife is a freeholder therein may be elected mayor or councilman, although he may not be the owner in his own right of any real estate within said town. The election shall be opened at one o'clock P. M., and closed at four o'clock P. M. At such election every male person of said town of Seaford of the age of twenty-one years or upwards, who shall

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have paid the town tax last assessed to him or who shall have become a citizen of said town since the last previous assessment of taxes of said town; and every female person of said town of the age of twenty-one years or upwards, who is a freeholder in said town, and who shall have paid the town tax last assessed to her, or who shall have become a freeholder in said town since the last previous assessment made in said town, shall have the right to vote for mayor, councilmen and all other elective officers of said town.

The election to be held on the first Monday in March A. D. 1911, shall be held in the manner in which elections in the said town of Seaford have heretofore been held; but all subsequent elections shall be held and conducted by the holding over members of the said council of the said town of Seaford, and by such officers as the said holding over members of the said council shall designate either from among themselves or from among the taxables of the said town of Seaford. Immediately after the election shall be closed the votes shall be counted, and the person or persons resident in said town having a plurality of votes shall be declared elected. But in case the vote for mayor, councilman or other officer to be chosen at such election shall be a tie, then the Judge or presiding officer of said election shall cast the deciding vote. After the result of the election shall have been ascertained, the election officers shall make out certificates of election and deliver one to the mayor elect and to each councilman elect, which said certificates shall be delivered to the secretary of the council at the first regular meeting after such election.

Before entering upon the duties of their respective offices, the mayor elect and councilmen elect shall be sworn by one of the holding over members of the council of said town of Seaford, to perform the duties of their respective offices with fidelity. If any of the officers chosen and designated to conduct such election shall not be present at the time designated for the holding of said election, it shall be lawful for the qualified voters present at the place of holding said elec-

Who may  
vote at such  
election.

How elec-  
tion shall be  
held.

In case of  
a tie.

Oath of  
office.

May fill  
vacancies.



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tion to elect, from among themselves, a person or persons to fill the vacancy or vacancies in such election board caused by the absence of such person or persons.

Shall provide a book.

A minute of such election containing the names of the mayor and councilmen chosen thereat shall be entered immediately after said election in a book provided for that purpose and subscribed by the persons holding said election. Such book shall be preserved by the town council, and shall be evidence. If any vacancy shall occur in the office of mayor or councilman by death, resignation or removal from the town, refusal to serve, failure to elect or otherwise, the same may be filled by the council of said town. The person or persons so chosen to fill such vacancy or vacancies shall be qualified as hereinbefore provided, and shall hold office until the next annual election, when such vacancy or vacancies shall be filled for the remainder of the unexpired term.

In case of death, resignation, etc.

Shall hold office until next annual election.

Compensation of Councilmen.

Proviso.

Each of the councilmen of the town of Seaford shall be allowed, for his services, the sum of Two Dollars (\$2.00) for each regular monthly meeting of said council in full compensation therefor; provided that no councilman shall receive pay for any of said regular meetings which he does not attend.

Duty of the Mayor.

Power and jurisdiction of Mayor.

Section 3. It shall be the duty of the mayor to execute all laws enacted for the government of said town, and to carry into effect all the orders and directions of the town council made in pursuance of any law of this State or of any ordinance that the said town council may legally make and establish; he shall have all the powers of a Justice of the Peace within the town, and shall have jurisdiction and cognizance of all breaches of the peace and other offenses in the said town, so far as to arrest and hold to bail, or fine and imprison offenders, and also of all fines, forfeitures and penalties which may be prescribed by any law of this State or by any ordinance of the town council regularly passed and established for the government of the town, and also all neglects, omissions or defaults of any town constable, collector,

## OF CITIES AND TOWNS.

assessor, treasurer, town clerk or any other officer or person whose duty it may be to collect, receive, pay over or account for any money belonging to said town, or to execute or obey any law or ordinance thereof; provided that he shall not impose any fine exceeding twenty-five dollars or have jurisdiction in civil matters. His fees for any service under this Section shall be the same as those of a Justice of the Peace for a like service, and for service or duty for which no fee may be provided by law, the fee may be established by ordinance of the town council. He shall deliver to his successor in office, within two days after the election of his successor, all books and papers belonging to his office, and shall pay over to the treasurer of the town all moneys in his hands belonging to the town, within five days after he vacates his office; upon his neglect or failure to deliver to his successor in office, within the time aforesaid, all the books and papers belonging to his office, or upon his neglect or failure to pay over to the treasurer of the town, within the time aforesaid, all moneys belonging to the town, he shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than twenty, nor more than one hundred dollars.

No fine to exceed \$25.

Fees for service rendered.

Penalty for neglect or failure to deliver books, papers, etc., to successor.

Section 4. The mayor shall issue and sign all licenses for every exhibition within the town of Seaford for which by Section 1, Chapter 51 of the Revised Code, a license is required, and shall collect the fees for the same; he shall at every stated meeting of the town council, report to the council all fines and penalties imposed by him, and fees for licenses collected by him since their last meeting, and pay to the treasurer of the town of Seaford all such fines, penalties and fees received by him during the said time, and in default of making such report or paying such fines, penalties and fees for a period of twenty days after such report should be made and such fines, penalties and fees should be paid as aforesaid, he shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than twenty nor more than one hundred dollars.

Further duties of the Mayor.

Penalty for neglect or failure to perform duties.

## OF CITIES AND TOWNS.

Duties of  
the presi-  
dent.

Section 5. The president of council shall preside at all meetings of the council, appoint all committees, receive complaints of nuisances, and other complaints of citizens of violations of laws and ordinances, and present the same to the council at their first meeting thereafter for their action, and such infraction or violation of the law or ordinances as require immediate action to cause the same to be proceeded on before the mayor. He shall sign all warrants on the treasurer for the payment of any money, and shall perform such other duties as may be prescribed by any ordinance or ordinances of the town council.

May sue and  
be sued.

Corporate  
name.

Seal.

May acquire  
lands, goods  
and chattels.

Section 6. The councilmen, as hereinbefore provided for, shall be and they are hereby created a body politic and corporate in law and equity, and shall be able and capable to sue and be sued, plead and be impleaded, in courts of law and equity in this State, by the corporate name of "The Town of Seaford," and shall have a corporate seal, which they may alter, change, or renew at their pleasure; and may purchase, take, hold, and enjoy lands, tenements and hereditaments in fee simple or otherwise, and also goods and chattels, rights and credits, alien, grant, demise and dispose of the same as they may deem proper, and may do all other things which a body politic and corporate may lawfully do to carry out and effect the objects and purposes of this Act.

Superin-  
tendence  
over roads  
and streets.

Levy Court  
to pay \$600.

Section 7. The councilmen for the time being shall have the superintendence and oversight of all the roads and streets now open or hereafter to be opened within the limits of said town; and no overseer of any such roads or streets shall be appointed by the Levy Court of Sussex County, but the said Levy Court shall annually appropriate for the repair of said roads and streets a sum of money not less than six hundred dollars, and shall make an order for the payment thereof to the Treasurer of The Town of Seaford for the use of said town; the said sum annually appropriated by the said Levy Court of Sussex County to be used exclusively

## OF CITIES AND TOWNS.

for the purpose of repairing and improving the streets of said town.

Section 8. The town council shall have power, upon the application of ten citizens of the town, by petition for the purpose, to locate, lay out and open any new street or streets, lane or lanes, alley or alleys, or widen any street, lane, or alley heretofore laid out or hereafter to be laid out in said town, or reopen any old street or streets, lane or lanes, alley or alleys now closed or which may hereafter be closed, which ten or more citizens may desire to be located, laid out and opened, or widened, or reopened, allowing to the persons respectively through or over whose lands such street or streets, lane or lanes, alley or alleys may pass, such compensation therefor as they shall deem just and reasonable under all circumstances; which compensation, if any be allowed, shall be paid by the Treasurer of the town out of the moneys of said town, upon warrants drawn upon him by order of the council aforesaid.

May lay out, open, or widen any street or alley.

Compensation may be allowed.

Section 9. Whenever the town council shall have determined to locate and lay out, or widen any street, lane or alley, and shall have fixed the compensation therefor, it shall be their duty, immediately after the survey and location of the said street, lane or alley, to notify, in writing, the owner or owners of the real estate through or over which such street, lane or alley may run, or their determination to open and widen the same, and to furnish a general description of the location thereof; also the amount of the compensation or damages allowed to each, and if such owner be not resident within the said town to notify the holder or tenant of said real estate; but if there be no holder or tenant resident in said town, the said notice may be affixed to any part of the premises. If any owner be dissatisfied with the amount of the compensation or damages allowed by the town council as aforesaid, he or she may within ten days after such notice as aforesaid appeal from the said assessment of compensation or damages by serving written notice upon the presi-

Survey and notification.

Appeal.

## OF CITIES AND TOWNS.

Associate  
Judge may  
appoint five  
freeholders.

Return of  
proceedings.

How amount  
of damages  
may be paid.

dent of the council of The Town of Seaford to the effect that he or she is dissatisfied with the amount of said compensation or damages, and that it is his or her intention to make written application to the Associate Judge of the Superior Court of this State resident in Sussex County for the appointment of a commission to hear and determine the matter in controversy; and in order to prosecute said appeal such owner shall within fifteen days after serving said notice upon the president of council as aforesaid, make written application to said Associate Judge of the Superior Court of this State resident in Sussex County for the appointment of such a commission; and thereupon the said Associate Judge shall issue a commission, under his hand, directed to five freeholders of the said County, three of whom shall be residents of said town of Seaford, and two of whom shall be non-residents of said town, commanding them to assess the damages which the owner of the real estate through or over whose lands said street, lane or alley shall pass, who shall have notified the said town council of their intention to appeal, may incur by reason thereof, and to make return of their proceedings to the Associate Judge at a time therein appointed. The freeholders named in such commission, being first sworn or affirmed, as in said commission shall be directed, shall view the premises, and they, or a majority of them, shall assess the damages as aforesaid, and shall make return, in writing, of their proceedings in the premises to the said Associate Judge, who shall deliver said return to said town council, which shall be final and conclusive. The said Associate Judge shall have power to fill any vacancy in the commission. The amount of damages being so ascertained, the town council may pay or tender the same to the person or persons entitled thereto within one month after the same shall be finally ascertained, or if the person or persons so entitled reside out of or is or are absent from the town during the said period of one month, then the same may be deposited, to his or her credit, in the Farmers' Bank of the State of Delaware, at Georgetown,

## OF CITIES AND TOWNS.

within said time, and thereupon the said property or lands may be taken or occupied for the uses aforesaid. In the ascertainment and assessment of damages by the freeholders appointed by the Associate Judge aforesaid, if the damages shall be increased the cost of the appeal shall be paid by the treasurer of the town out of any money in his hands belonging to the town; but if said damages shall not be increased the cost of appeal shall be paid by the party appealing. The fees to the freeholders shall be two dollars per day to each, which shall be taxed as part of the costs. After the damages shall be fixed and ascertained by the freeholders, the town council shall have the option to pay the damages assessed within the time aforesaid and to proceed with the said improvements, or, upon the payment of the costs only, may abandon the proposed improvements.

Fees to the  
freeholders.

Option of  
the town  
council.

Section 10. That the said Council of The Town of Seaford for the good government and welfare of said town, shall have power to make, establish, publish and modify, amend or repeal ordinances, rules, regulations and by-laws for the following purposes:

Power to  
amend or re-  
peal ordi-  
nances.

To prevent vice, drunkenness and immorality; to preserve peace and good order; to prevent and quell riots, disturbances and disorderly assemblages; to restrain and suppress disorderly and gaming houses, and houses of ill fame; all instruments and devices for gaming; and to prohibit all gaming and fraudulent devices; to prohibit, restrain and regulate all sports, exhibitions of natural and artificial curiosities, moving pictures, merry-go-rounds, caravans of animals, theatrical exhibitions, circuses or other public performances and exhibitions for money, and fix the sum to be paid for such licenses to the town; to ascertain and establish the boundaries of all streets, avenues, highways, lanes and alleys in said town, and prevent and remove all encroachments on said streets, avenues, highways, lanes or alleys; to regulate, clean and keep in repair the streets, highways, avenues, parks, lanes, and alleys, wharves and docks in said

To prevent  
vice, drunk-  
enness, etc.

To suppress  
disorderly  
houses.

To regulate  
exhibitions,  
public per-  
formances,  
etc.

Further  
powers and  
duties of the  
council.

## OF CITIES AND TOWNS.

Planting  
and trim-  
ming of  
shade trees.

Grading and  
paving of  
streets, etc.

To prevent  
projections  
over streets  
and side-  
walks.

town, and to prevent and remove obstructions and incumbrances in and upon all streets, avenues, highways, lanes and alleys, parks, sidewalks, crosswalks, sewers, drains, aqueducts, watercourses, wharves or docks in any manner whatsoever; to prescribe the manner in which corporations or persons shall exercise any privilege granted to them in the use of any street, avenue, highway, lane or alley in said town, or in digging up any street, avenue, highway, lane or alley for the purpose of laying down pipes, or for any other purposes whatsoever, and to prohibit and prevent any such use or work at such times and seasons of the year as they may designate; to direct and regulate the planting, rearing, trimming and preserving of ornamental shade trees in the streets, avenues, parks and grounds of said town, and to authorize or prohibit the removal or destruction of such shade trees, and to enforce the removal of snow, ice or dirt from the sidewalks and gutters by the owner or occupants of the premises fronting thereon; to level, grade, flag or re-flag, curb or re-curb, gutter or re-gutter, pave or re-pave, macadamize, gravel or shell the streets, avenues, highways, lanes and alleys of said town, and the sidewalks and gutters thereof, or any of them, or any parts or sections of the same, and to prescribe the manner in which any such work shall be performed; to direct the digging down, draining, filling up or fencing of lots, pieces or parcels of ground in said town, which shall be by said commissioners deemed dangerous or unwholesome, or when such digging down, draining, filling up or fencing shall be deemed necesasry to carry out any improvement authorized by this Act, to prescribe the manner in which said work shall be performed and to cause the expenses thereof to be assessed on such lots, tracts, pieces or parcels of ground, whether improved or unimproved, and to determine the time and manner in which such assessment shall be collected; to prevent or regulate the erection of any porch, step, platform or bay window, cellar door, gate, aera, descent into a cellar or basement, sign or any post or erection, or any projection or otherwise, in, over

## OF CITIES AND TOWNS.

or upon any street, sidewalk, lane, alley or avenue, and to remove the same where already erected, at the expense of the owner or occupant of the premises; to prevent and punish horse racing and immoderate driving or riding in any street, highway or alley, and to authorize the stopping and detention of any person who shall be guilty of immoderate driving or riding in any street, highway or alley; to prevent the driving of any drove or droves of horses, mules, cattle, sheep or swine through any of the streets of the town, on the first day of the week, commonly called Sunday, and to regulate the same at other times; to regulate, protect and improve the public grounds of said town; to provide lamps and to light the streets and public places of every description in said town; to make and regulate wells, pumps, aqueducts and cisterns in the public streets; to establish and regulate one or more pounds, and to restrain the running at large of horses, cattle, swine, goats and other animals, geese and other poultry, and to authorize the impounding and sale of the same, for the penalty incurred, and the cost of keeping, impounding and sale; to regulate and prevent the running at large of dogs; to authorize the destruction of dogs running at large, and to impose taxes on the owners of dogs; to locate, regulate and remove slaughter houses and hog pens, privies and water closets; to prescribe and regulate the places of vending or exposing for sale wood, hay, straw and other articles from wagons or other vehicles; to regulate or prohibit any practice having a tendency to frighten animals or to annoy persons passing in the streets or on the sidewalks in said town; to restrain drunkards, vagrants, mendicants and street beggars; to prescribe the manner in which all contracts for performing work or furnishing materials for the town shall be made and executed; to abate or remove nuisances of every kind, at the expense of those maintaining the same and to compel the owner or occupant of any lot, house, building, shed, cellar, or place wherein may be carried on any business or calling, or in or upon which there may exist any matter or thing, which is or may be detri-

May remove same.

Horse racing in any street.

To prevent droves of horses, cattle, etc., in the streets on Sunday.

Street lamps.

Running at large of animals, fowls, etc.

Dogs.

To abate nuisances.



## OF CITIES AND TOWNS.

Board of Health.	mental in the opinion of the council or local board of health to the health of the inhabitants of the town, to cleanse, remove or abate the same, under the directions of the council or local board of health as often as the said council or local board of health may deem necessary for the protection and preservation of the health of the inhabitants of the town; or in a summary manner to cause the same to be done at the expense and proper cost of such owner or occupants; and such owner or occupant is hereby expressly made liable for said cost and expenses, to be collected in such manner as the council may by ordinance direct, from such owner or occupant, in addition to any fine or penalty to which he or she may be liable for maintaining the said nuisance. To regulate and control the manner of building or materials used therein or removal of dwelling houses or other buildings and to provide for granting permits for the same; to establish a building line for buildings hereafter to be erected, provided that such building line shall not be established more than twenty feet back from the front line of the lots. To exempt from taxation for municipal purposes for a period not to exceed ten years any manufacturing industries which may hereafter be located in said town of Seaford. To prohibit within certain limits to be from time to time prescribed by ordinances, the building or erection of stables; to regulate the construction of chimneys, to compel the sweeping thereof, to prevent the setting up or construction of furnaces, stoves, boilers, ovens or other things in such manner as to be dangerous; to prohibit the deposit of ashes in unsafe places, to authorize any town officer or person whom they may designate for that purpose, to enter upon and inspect any place or places for the purpose of ascertaining whether the same is or are in a safe condition, and if not, to direct or cause the same to be made so; to compel the erection or maintenance of proper and adequate fire-escapes on all public buildings; to regulate or prohibit the carrying on of manufactories dangerous in causing or promoting fires; to regulate or prohibit the manufacture, sale or use of fire-
To regulate the manner of building.	
To establish a building line.	
To exempt from tax manufacturing industries.	
Stables, chimneys, etc.	
Sale or use of fireworks.	

## OF CITIES AND TOWNS.

works, and the use of fire-arms in said town; to regulate or prohibit the use of candles and light in barns, stables and other buildings. To establish, regulate and control a suitable sewer and drainage system for said town; to regulate or prohibit swimming or bathing in the river in front of or contiguous to said town, or in the water within the limits of said town; to provide sanitary measures for the health of the citizens, and to prevent the introduction of infectious or contagious diseases; for which purpose their jurisdiction shall extend to any distance within one mile of the limits of said town. To make and establish such other ordinances, regulations, rules and by-laws, not contrary to the laws of the State or of the United States, as they, the said Council, may deem necessary to carry into effect the powers and duties conferred and imposed upon them by this Act or any other law of this State, and such also as they may deem necessary and proper for the good government, order, protection of persons and property, and for the preservation of the public health and property of said town and its inhabitants. To contract with, or to grant franchises, concessions or rights to any person, persons, firm, partnership or corporation who may apply for the privilege of erecting wharves or piers, or for the use of any street, highway, avenue, lane or alley, for the construction and operation of steam, motor or electric railways.

Swimming  
or bathing  
in the river.

Extent of  
jurisdiction.

Ordinances  
and By-laws.

May grant  
certain  
franchises.

Section 11. Whenever the said town council shall have determined that any paving, graveling, curbing or any or either or all of them shall be done, they shall notify the owner or owners of the land along or in front of whose premises the same is to be done, particularly designating the nature and character thereof, and thereupon it shall be the duty of such owner or owners to cause such paving, graveling and curbing to be done in conformity with said notice. In the event of any owner or owners neglecting to comply with said notice for the space of thirty days, the said council may proceed to have the same done, and when done the treasurer of the town shall, as soon as convenient thereafter,

Notice to  
owners of  
property.

Neglect of  
owners for  
thirty days.

## OF CITIES AND TOWNS.

Sale of  
goods and  
chattels.

Real estate  
may be sold.

present to the owner or owners of such lands a bill showing the expenses of such paving, graveling and curbing; if such owner or owners be not resident in the town of Seaford such bill may be presented to the occupier or tenant of said lands, or if there be no occupier or tenant resident of said town of Seaford, such bill may be sent by mail to such owner or owners, directed to him, her or them at the post-office nearest his, her or their residence. If such bill be not paid by the owner or owners of such lands within sixty days after the presentation thereof as aforesaid, then it shall be the duty of said town council to issue a warrant in the name of the Town of Seaford, under the hand of the president of the town council and seal of the said corporation, and attested by its secretary, directed to the treasurer of The Town of Seaford, commanding him that of the goods and chattels, lands and tenements of such owner or owners, he should cause to be levied and made the amount of said bill, together with all costs. It shall be the duty of the treasurer of The Town of Seaford, as soon as convenient after the said warrant shall be delivered to him, and after ten days' notice to the owner or owners of such lands, and after posting five or more notices of sale in at least five public places in the Town of Seaford, at least ten days before the day of sale, to sell the goods and chattels of said owner or owners at public auction, or so much thereof as may be necessary to pay the amount of said bill with all costs. If no goods and chattels of such owner or owners can be found within said town sufficient to satisfy the amount of said bill with all costs, then it shall be the duty of the said treasurer of the said Town of Seaford, after ten days' notice to such owner or owners as aforesaid, and after posting five or more notices of sale in at least five public places in the Town of Seaford, for at least ten days before the day of sale, and after causing such notice of sale to be published twice in one newspaper printed in the said Town of Seaford, or if there be no newspaper printed in the said Town of Seaford then in a newspaper printed anywhere in Sussex County, to sell the lands and tenements

## OF CITIES AND TOWNS.

of such owner or owners along or in front of which such paving, graveling and curbing, or either of them, have been done, or so much of said lands and tenements as may be sufficient to satisfy the amount of said bill with costs, and a deed from the treasurer of said Town of Seaford shall convey to the purchaser or purchasers of such lands and tenements as full and complete title, in fee simple or otherwise, as if the same were executed by the owner or owners thereof. The claim for paving, graveling and curbing shall be a lien on the premises along or in front of which the said work was done, and shall have priority over any lien, incumbrance or conveyance suffered or made by the owner or owners after the presentation of the said bill as aforesaid; provided that within thirty days after the completion of said improvements a certificate under the corporate seal of The Town of Seaford, signed by the president of the council and attested by the Secretary, setting forth the amount of the bill, the date of the completion of the improvements and a description of the property affected by said lien with the name or names of the owner or owners shall be recorded in the office of the Recorder of Deeds at Georgetown, in and for Sussex County; and the record of such certificate, or a duly certified copy thereof shall be evidence in all courts of law and equity in this State. Any such lien heretofore acquired shall be continued, provided that a certificate as above described shall be recorded in the said office of the Recorder of Deeds within ninety days after the approval of this Act. It shall be the duty of the treasurer of the said town from the purchase money of the said goods and chattels or lands and tenements, sold as aforesaid, to pay all costs arising from the proceeds of said sale to the parties entitled thereto, and to retain for the use of said town the amount of the said bill as aforesaid, and the residue of the said purchase money, if any, shall be deposited in the Farmers' Bank of the State of Delaware at Georgetown, to the credit of the said owner or owners. The treasurer of the said town shall be entitled to receive five dollars for every sale of personal property un-

Power to convey title.

Lien on the premises.

Costs paid from proceeds of sale.

Residue to be deposited in the Farmers' Bank.

Compensation of treasurer for making sale.

## OF CITIES AND TOWNS.

Notice.

der this section, and ten dollars for every sale of real estate under this section, together with such additional sum as may be reasonable and proper for the keeping, taking care of such personal property, for selling the same and for advertising, all of which shall be part of the costs to be paid out of the purchase money as aforesaid. Any notice, required by this section, to one co-owner shall be notice to all, and in case no owner shall reside in the said town, notice served upon the occupier or tenant shall be sufficient, or if there be no owner, or occupier, or tenant of said premises resident in the town, it shall be sufficient to send notice by mail to any owner or owners of said premises, directed to him, her or them at the post-office nearest his, her or their place or places of residence; the provisions hereinbefore contained in this section shall apply to any order made by the council of the said town in respect to any pavement, sidewalk or curb heretofore made or done, which the said council may deem insufficient or to need repairing. The said council, in addition to the provisions of this section hereinbefore contained, shall have power and authority to enforce by ordinance, all the requirements of this section, by imposing such fines and penalties as shall, in the judgment of said council, be necessary and proper.

Power to impose fines and penalties.

Power to make ordinances.

Time of holding regular meetings.

Collection of fines etc. Commitment of offenders

Section 12. The town council of said town shall have power and authority to make, establish and publish such ordinances as they may deem beneficial for the good government of the said town, at any stated meeting. There shall be twelve stated meetings to be held on the second Tuesday of each month. They shall have and are hereby vested with power and authority to prescribe the fines and penalties for violations of any of the provisions of this act, or of the ordinances which they may enact in pursuance hereof, such fines and penalties which may be imposed, either by this act or the ordinances enacted as aforesaid, may be collected before the mayor of said town, or any justice of the peace of said town, and in default of payment said mayor or justice of the peace may commit to the town lockup or to the public jail of

## OF CITIES AND TOWNS.

Sussex County for any time not exceeding thirty days, or until such fine and costs shall be paid; and all ordinances so made, established and published shall be in full force and effect immediately upon the publication of them by said council.

Section 13. The council of said town may appoint such number of town constables as shall be deemed necessary, who, with the constables of Sussex County residing in said town, shall constitute the town police. The council of said town shall also have power and authority to remove any of the town constables at any time, and appoint others in the place of those removed, if it shall be deemed necessary to make such appointments.

May appoint town constables.

Section 14. The council of said town shall annually elect two auditors who shall be taxables of said town, not members of the Council, who shall during the month of January of each year examine and audit the books and accounts of the council, collector, treasurer, water superintendent and mayor for the fiscal year ending the thirty-first day of the previous December. After having completed such examination and audit, the said auditors shall submit a full detailed report thereof to the council, and the same shall be spread in full upon the minutes of the council. The said auditors shall also cause a full detailed statement of said examination and audit to be published in at least one newspaper printed or published in said town, or posted in at least ten of the most public places in said town of Seaford at least ten days prior to the annual election; which said statement shall show the amount of taxes remaining unpaid; the amount of money received by the treasurer and when and from what source; and the amounts paid out by the treasurer upon orders; the amounts received by the water superintendent and from what source, and the amounts paid out by him and for what purpose; the amount of fines imposed by the mayor, and the actual amount of fines received by said mayor, and the amount of license fees collected by said

Shall elect two auditors annually.

Report of auditors.

Annual statement to be published.

## OF CITIES AND TOWNS.

mayor; and the number and amounts of all orders drawn by the council and the nature of the bills for which said orders were drawn. The auditors shall receive as compensation for their services the sum of Ten Dollars (\$10.00) each, per annum.

Compensation of auditors.

Section 15. It shall and may be lawful for the council of said town to use the jail of Sussex County for the purpose of carrying into effect any judgment or sentence pronounced under the provisions of this act, or for carrying into effect any ordinances or regulations adopted under the provisions of this act; and it shall be the duty of the keeper of said jail to receive and lock up in said jail any person committed to his custody under the provisions of this act, or under the provisions of any ordinance of the council of said town.

May use the jail of Sussex County.

Section 16. The council of said town shall have the power and authority to use the money in the treasury of said town, or of any portion thereof, for the improvement, benefit and ornament thereof, as they may deem advisable. In the general performance of their duties the acts, doings and determinations of a majority of the council of said town shall be as good and binding as the acts, doings and determinations of the whole. In case of vacancy or vacancies in the council of said town, the remaining members, until such vacancy or vacancies shall be filled as hereinbefore provided, shall have the same power and authority as the whole. A majority of the council shall constitute a quorum for the transaction of business.

Power to use money in the treasury.

Majority of Council binding.

In case of a vacancy.

Section 17. It shall be the duty of the mayor of said town and council of said town, and of the constables of Sussex County residing in said town, and of the town constables, to suppress all riotous, turbulent, disorderly or noisy assemblages or gatherings, of persons in or about any buildings used for any fair, festival, concert or any other social, literary or religious meeting, or any entertainment whatsoever, or in the streets, lanes, squares or alleys of said town

To suppress riotous and disorderly conduct.

## OF CITIES AND TOWNS.

at any time or season whatever; to prevent all gatherings whatever which may obstruct or interfere with the free use of the streets, lanes, alleys or sidewalks, and for this purpose it shall be the duty of any of said constables to seize and arrest any such persons so offending and carry him or them before the mayor of said town, whose duty it shall be to hear and determine the case, and upon conviction before him the mayor shall sentence any such person so convicted to pay a fine not exceeding ten dollars, and may commit the party or parties to prison for a period not exceeding thirty days, or until said fines and costs shall be paid. It shall be the duty of the mayor of said town upon complaint made before him of any such riotous, turbulent or noisy assemblages or gatherings as aforesaid, to issue his warrant to any of the constables aforesaid, commanding him to arrest and bring any such person so offending as aforesaid before him for trial. It shall be the duty of the constables aforesaid, or any of them to arrest any drunken or disorderly person they may see on the streets of said town and take such person so arrested before the mayor of said town, who shall proceed forthwith to hear and determine the case, and upon conviction before him he shall sentence such person in the same manner and to the same punishment provided in this section for the punishment of persons brought before him for the offenses in this section first enumerated. If upon view of the person or persons who may be brought before the mayor of said town for violation of this section, it shall appear to the mayor that in his judgment such person or persons is or are not in a condition to be heard and tried, he may use his own discretion in fixing or appointing a time for trial of all such person or persons brought before him for violating this section. The fee to the mayor of said town for the trial of any cause under this section shall be fifty cents, and to the constable making the arrest fifty cents. In case of commitment the constable shall receive an additional fee of two dollars, and the keeper of said jail or lockup shall be entitled to a fee of fifty cents, for each commitment, whether

Duty of constables to make arrests.

Hearing.

Sentence.

Mayor to issue warrant for arrest.

Constables to arrest drunken and disorderly persons.

Fee of the mayor and the constable.

Additional fee to constable.

Keeper of jail or lockup.



## OF CITIES AND TOWNS.

Board of  
persons com-  
mitted.

Proviso.

by a constable or by the mayor of said town, and he shall be entitled to the same pay for board of the person so committed as is allowed by the Levy Court of Sussex County for board of prisoners. Provided the town shall pay for the board of all persons committed to jail for violation of the charter or by-laws of The Town of Seaford.

Bonfires,  
fireworks,  
pistols, etc.

Section 18. The mayor of said town, the council of said town, and the town constables shall have power and authority to suppress, extinguish and prevent all bonfires in any of the streets, lanes, alleys or squares of the said town, and to suppress and prevent the firing of guns or pistols, or the setting off of firecrackers or other fireworks, or the making and throwing of fireballs, within the limits of said town, and the council of said town may by ordinance or ordinances impose fines and penalties upon the person violating the provisions of this section and may provide for the collection of such fines and penalties so imposed.

Obstruc-  
tions, nui-  
sances to be  
removed and  
abated.

Shall give  
notice.

In case of  
refusal or  
neglect,  
Council  
may act.

Section 19. The council of said town are hereby authorized and required to cause all obstructions and nuisances that may at any time be and exist within the limits of said town, whether on the public squares or in the streets, lanes or alleys, or on the sidewalks, or in any other place within the limits aforesaid, to be removed and abated. The council of said town, or a majority of them, may proceed either on their own view, or upon complaint of any other citizen, in writing, stating the character of the obstruction or nuisance and where the same exists. If the council of said town, or a majority of them, either of themselves and upon view, or upon such information, shall determine that an obstruction or nuisance exists and ought to be removed, they shall give notice, in writing, signed by the president of said council, to the person causing the obstruction or nuisance, or who is responsible for its existence or continuance, to remove or abate the same; and if such person shall refuse or neglect for the space of two days after such notice to remove or abate such obstruction or nuisance, the council of said town shall have

## OF CITIES AND TOWNS.

power and authority to cause such obstruction or nuisance to be removed or abated, and for this purpose the council of said town may issue a warrant in the name of The Town of Seaford, under the hand of the president of the council and the seal of the said corporation, and directed to any constable of the town of Seaford, commanding him forthwith to remove or abate such obstruction or nuisance; whereupon the constable to whom the said warrant may be delivered shall forthwith proceed to remove or abate the same, and for this purpose he shall have full power and authority to enter into and upon any lands and premises within the town of Seaford, and to take with him such assistance, implements, horses, carts, wagons or other things as may be necessary and proper, and do and perform all matters and things, right and proper to be done for the removal of such obstruction or the abatement of such nuisance. The cost and damages of all the proceedings shall be determined and adjudged by the council of said town for the use of the town, and shall be paid by the person causing the obstruction or nuisance, or who is responsible for its existence or continuance, within ten days after a bill stating the amount of such cost and damages, shall have been presented to such person. Then the council of said town may proceed to collect the same out of the goods and chattels of such person, by warrant issued to the treasurer of said town in the same manner as is provided in Section 11 of this act for the collection of the expenses of any paving, graveling, &c.; and the treasurer of said town upon the receipt of such warrant shall have all the powers to sell the goods and chattels of such person conferred, and shall proceed in the same manner as directed by said Section 11 of this Act on warrants directed to him under said section to collect the expense of paving, graveling, &c., except that nothing in this section contained shall confer any power upon the treasurer of said town to sell any lands and tenements. If the person causing such obstruction or nuisance or who is responsible for its existence or continuance shall neglect or refuse to remove or abate the

Power to enter upon premises.

Costs and damages of the proceedings.

May proceed to collect.

Power to sell goods and chattels.

Fine for refusal or neglect.

## OF CITIES AND TOWNS.

Computa-  
tion of time  
in ascertain-  
ing amount  
of judgment.

When  
amount shall  
exceed \$100.

When con-  
stable shall  
be guilty of  
misdeme-  
anor.

Presentment  
to the Grand  
Jury

Fine and im-  
prisonment

same for the space of two days after such notice as aforesaid, he shall in addition to the provisions hereinbefore in this Section in that behalf contained, forfeit and pay to the treasurer of said town, for the use of the town, the sum of five dollars, and one dollar additional for each and every day such obstruction or nuisance shall continue unremoved or unabated after the expiration of the two days notice as aforesaid, to be recovered with cost of suit in the name of The Town of Seaford, before the mayor of said town, or any justice of the peace residing in said town, as debts of like amount are recoverable. In ascertaining the amount of the judgment the person before whom the case is heard and determined shall compute the time beginning with and including the day following the expiration of the said two days' notice up to and including the day on which judgment is rendered, if the obstruction or nuisance be then not abated or removed, or if then removed or abated, up to and exclusive of the day on which such obstruction or nuisance was removed or abated, and one dollar for every such day shall be added to the five dollars and judgment rendered accordingly. If the amount of the sum demanded, exclusive of costs, shall exceed one hundred dollars, the case shall not be cognizable before the mayor or a justice of the peace, but in such cases suit in the name of The Town of Seaford may be brought in the Superior Court of the State of Delaware in and for Sussex County. These shall be cumulative and additional to the provisions heretofore in this section contained.

Section 20. If any constable shall neglect or refuse to perform any of the duties required of him by this act, he shall be deemed guilty of a misdemeanor, and it shall be the duty of the council of said town to present him to the grand jury of Sussex County, and upon conviction he shall be fined in a sum not less than ten nor more than one hundred dollars, and may be imprisoned in the discretion of the court for any term not exceeding one year, and upon such conviction he shall ipso facto forfeit his office.

## OF CITIES AND TOWNS.

Section 21. The town council shall also elect, at their stated meeting in March, annually, as hereinbefore provided, by ballot, a treasurer, secretary and assessor for said town, who shall hold their offices for the term of one year, or until their successors shall be duly elected. The treasurer and secretary may or may not be the same person. The assessor shall be a freeholder, resident in said town, and may or may not be a member of said council. The said council shall also have authority to elect, by ballot, a collector of taxes in any year they may think proper to do so. The treasurer before entering upon the duties of his office shall be sworn or affirmed faithfully, honestly and diligently to perform the duties of his office, which oath or affirmation may be administered to him by the president of said council or by any member thereof, or by any justice of the peace or notary public. He shall, also before entering upon the duties of his office, give bond to The Town of Seaford with sufficient surety to be approved by the council of said town, in the penal sum of double the amount of what may be likely to come into his hands, conditioned for the faithful performance of the duties of his office and for the payment to his successor in office all sums of money belonging to said town which may remain in his hands upon the settlement of his accounts, to which said bond and condition there shall be annexed a warrant of attorney for the confession of judgment for said penalty. The said treasurer shall pay all orders drawn on him by order of said council and signed by the president and secretary thereof out of any moneys in his hands belonging to said town. He shall settle his accounts with the said council annually in the month of February, and oftener and at such other times as the said council may require. The said treasurer shall also, in any year when no collector of taxes shall be elected by the council of said town, and when required to do so by said council, collect all the taxes assessed in said town as hereinafter provided. It shall be the duty of the secretary of said council to keep a true and faithful record of all the proceedings of the council of said

Officers to  
be elected.

Secretary  
and treas-  
urer.

Assessor.

Collector  
of taxes.

Bond of  
collector.

Duties of the  
treasurer.

Duties of the  
secretary.

## OF CITIES AND TOWNS.

Compensa-  
tion of  
treasurer,  
secretary  
and assessor.

town at all meetings held by them, and to do and perform such other matters and things as may be required of him by this act, or which may be prescribed by any ordinance or ordinances enacted by said council. The treasurer, secretary and assessor of said town shall each receive reasonable compensation for their services, to be determined by the council of said town. Provided the compensation of the said treasurer as such shall not exceed two per centum on all moneys received by him belonging to said town, and of the treasurer acting as collector shall not exceed ten per centum of the taxes collected by him.

Duties of  
the assessor.

Section 22. It shall be the duty of the assessor of said town annually to assess every male citizen resident of the town above the age of twenty-one years one dollar per capita, and also the real and personal property of every citizen subject to county assessment and taxation; also non-residents who may own real estate in the Town of Seaford, all of which shall be assessed at its actual value. The said assessor shall make such assessments to the best of his knowledge and belief, and return the same to the council of said town within six weeks next after the election of said assessor. The council of said town shall within five days next after receiving said assessment list cause a full and complete transcript of said assessment list to be hung up in the postoffice in said town, there to remain for the space of ten days thereafter for public inspection, and the said council shall, on the Monday next after the expiration of the said ten days, hold a court of appeals which shall continue open from two o'clock P. M., till four o'clock P. M., of said day, when they shall hear and determine appeals from said assessment, and make corrections or additions to or alterations in said assessment. Notice of the hanging up of the said assessment list, and also at the same time notice of the time and place of hearing appeals, shall be given by posting such notice in at least five public places in said Town of Seaford. The determination of the council of said town upon any appeal or upon any matter relating to such assessment, shall

Transcript  
of assess-  
ment list;  
where to be  
hung up.  
How long.

Appeal.

Notice of  
hearing  
appeals.

Determina-  
tion of  
council final.

## OF CITIES AND TOWNS.

be final and conclusive. No member of council of said town shall sit upon his own appeal, but the same shall be heard and determined by the other members of said council. After the said valuation and assessment shall be examined and adjusted by the council of said town, all taxes shall be levied, assessed and raised on the real estate, personal property and persons thus valued and assessed, in just and equal proportions and rates, over and above the one dollar per capita on each male citizen of said town as hereinbefore provided. The assessor before entering upon the duties of his office shall be sworn or affirmed diligently, faithfully and impartially to perform the duties of his office to the best of his ability, knowledge and judgment, which oath or affirmation may be administered to him by the president of said council, or by any member thereof, or by any justice of the peace or notary public.

Not to sit  
on own  
appeal.

Adjustment  
of assess-  
ment and  
rates.

Oath of the  
assessor.

Section 23. The council of said town, after having ascertained the sum necessary to be raised in the said town for the purposes of this act, which sum shall in no year exceed five thousand dollars, clear of dog tax and all delinquencies and expenses of collecting, and after having apportioned the same on the assessment and valuation aforesaid, shall annually in the month of May, or as soon thereafter as convenient, cause to be delivered to the collector of taxes, if there be one elected by the council of said town in said year, or if there be none to the treasurer of said town, a list containing the names of the taxables, as well the owners of real estate as those not owning real estate, and opposite the name of each the amount of the real estate, his poll or per capita and assessable personable property and the tax on the whole valuation and assessment, and the rate per hundred dollars, and which list shall be signed by the president of said council. The collector of taxes, or if there be none elected in said year, the treasurer of said town, immediately after receiving said list, and in collecting the same, shall have all the powers conferred by law on the collectors of the county rates and levies. In the collection of said taxes, the council of said

Sum to be  
raised not  
to exceed  
\$5000.

Tax list to  
be furnished  
the collector.

Contents of.

List to be  
signed by  
president  
of council.

## OF CITIES AND TOWNS.

Five per cent. may be deducted.

Collector to give bond.

Compensation of collector.

Allowances for delinquencies.

Term of office.

Shall not have authority to issue bonds.

Act not to repeal Chap. 188, Vol. 22, in any manner.

town shall have the power and authority to order the collector of taxes, or if there be none, the treasurer, to deduct five per centum from the amount of tax assessed against the person or property of any one who will pay such tax by the first day of August in any year following the assessment of the same. The collector of taxes, before entering upon the duties of his office, shall give bond to The Town of Seaford, with sufficient surety to be approved by the council of said town in a penal sum of twice the amount likely to come into his hands, conditioned for the faithful performance of the duties of his office and the payment to the treasurer of said town of all moneys collected by him belonging to said town, and for the settlement of his accounts with the council and treasurer of said town in the month of February next following his election as collector of taxes, and at such other times as the council of said town may require, to which said bond and conditions there shall be annexed a warrant of attorney for the confession of judgment for said penalty. The collector of taxes shall receive a reasonable compensation for his services, to be determined by the council of said town; provided, that he shall not receive more than ten per centum of the taxes collected by him. The council shall have power to make just allowances for delinquencies in the collection of taxes.

Section 24. The present president, alderman, treasurer, clerk, collector, and town constables shall continue and hold their respective offices until the second Tuesday in March next, or until their successors shall be duly elected under the provisions of this Act.

Section 25. That the town council shall not have authority to issue bonds without express authority of the General Assembly.

Section 26. This Act shall not be construed to repeal or modify Chapter 188 of Volume 22 of the Laws of Delaware in any manner whatsoever; nor shall it be construed to repeal any other Acts in relation to the town or council of Sea-

## OF CITIES AND TOWNS.

ford unless the same are manifestly inconsistent with the provisions of this Act. And all the ordinances of the town of Seaford heretofore enacted or adopted and now in force in pursuance of any law of this State shall continue in full force and effect until repealed, altered, or amended by the council of said town; that all the acts and doings of the council, formerly called commissioners, of said town or of any officer of said town, lawfully done or performed under the provisions of any law of this State, or of any ordinance of the commissioners of said town, are hereby ratified and confirmed; that all debts, fines or penalties and forfeitures due said town of Seaford, and all debts due from said town of Seaford to any person or persons whomsoever, or to any corporation or corporations, are hereby declared to be unaffected and unimpaired by this repeal, and all the laws of this State for the collection and enforcement thereof shall continue in full force and effect until the same shall be fully paid and discharged; that all the powers now conferred by law upon the collector or treasurer for the collection and enforcement of all taxes in said town, heretofore assessed and uncollected, shall continue in full force and effect until all of said taxes shall be fully collected and paid; that the official bond of said collector shall be unaffected and unimpaired by this repeal, and that he and his sureties therein shall continue liable for any breaches of any of the conditions of said bond; that the official bond of the treasurer of said town shall not be affected or impaired by this repeal, and that he and his sureties therein shall continue liable for any breaches of any of the conditions of said bond; and that all proceedings heretofore commenced for the collection of any penalty, fine, forfeiture, or debt, due said town under any law or ordinance, shall not be affected or impaired by this repeal, but the same may be prosecuted to judgment and execution until the same be fully paid, liquidated and discharged.

Ordinances  
to remain  
in force.

Debts, fines,  
penalties,  
to remain  
unimpaired.

All powers,  
taxes due,  
obligations,  
fines, for-  
feitures,  
etc., not to  
be affected  
or impaired.

Approved March 3, A. D. 1911.



## OF CITIES AND TOWNS.

## CHAPTER 235.

## OF CITIES AND TOWNS.

AN ACT authorizing "The Town of Seaford" to borrow money and to issue bonds to secure the payment thereof, for the purpose of extending the Water Works and Sewer System of said Town through and over the districts added to and made a part of said Town, by Chapter 196 of Volume 25 of the Laws of Delaware.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two-thirds of the members of each branch thereof concurring therein) :*

Authorized  
to issue  
bonds not  
to exceed  
\$4000.

Date of  
bonds.

Rate of  
interest.

When and  
where pay-  
able.

Section 1. That for the purposes of extending the Water Works and Sewer System of the Town of Seaford through and over the districts added to and made a part of said Town of Seaford by Chapter 196 of Volume 25 of the Laws of Delaware, the Council of said Town of Seaford be and they are hereby vested with full power and authority to issue bonds of the Town of Seaford to an amount not exceeding in the aggregate the sum of Four Thousand Dollars, and of such denominations as the said Council shall deem proper, and in such proportions as to each or any of these denominations as shall have been determined by the said Council of the Town of Seaford, which said bonds shall be dated the first day of February of the year in which they may be issued and numbered consecutively, commencing with number one, and shall bear interest from and after the date at a rate of interest not exceeding five per centum per annum, payable semi-annually on the first days of August and February in each year while they remain unpaid, at the First National Bank of Seaford, or the Sussex National Bank of Seaford, or any other responsible bank in Sussex County, at the option of the said Council of the Town of Seaford, on presentation of the coupons representing said

## OF CITIES AND TOWNS.

semi-annual interest, each semi-annual instalment of interest being represented by coupons attached to said bonds.

And said bonds shall be payable at the First National Bank of Seaford, or the Sussex National Bank of Seaford, or any other responsible bank in Sussex County, as the said Council of the Town of Seaford shall hereafter determine, on the first day of February, A. D. 1941, but may be redeemed at the option of the said Council of the Town of Seaford, at any time after the first day of February, A. D. 1921, provided, however, that if the said Council of the Town of Seaford elect to redeem any of the said bonds according to these terms, such redemption shall be effected either on the first day of February or the first day of August, and, in pursuance of notice signed by the president of the said Council of the Town of Seaford, and the treasurer of the said Town, published for the space of thirty days, or in one issue each week for four successive weeks, in one newspaper published in the City of Wilmington, one published in the Town of Dover, and one published in the Town of Seaford, and if there be none published in the Town of Seaford, then in that case in one published in the Town of Georgetown, in this State; such notice shall indicate the bonds called, and in making the calls the said Council of the Town of Seaford shall call the bonds according to their number, beginning with the lowest number, and interest on all bonds so called shall cease from the date named for their redemption. The question of borrowing money and issuing bonds as authorized by this act need not be submitted to the electors of said town.

Bonds payable in 1941.

May be redeemed in 1921.

How such redemption shall be effected.

Need not be submitted to the electors of the town.

Section 2. That the said bonds shall be exempt from State, County and Municipal taxation.

Exempt from taxation.

Section 3. That all of the provisions of Chapter 188 of Volume 22 of the Laws of Delaware, entitled, "An Act authorizing the Town of Seaford to build and establish Water Works and Sewer System and to provide for apparatus for extinguishing fires and to borrow money and issue bonds for

Provisions of Chap. 188, Vol. 22, applicable, except where inconsistent with this act.

## OF CITIES AND TOWNS.

the payment thereof," approved February 22, A. D. 1901, shall be applicable to this act and are hereby made a part thereof, except where such provisions are manifestly inconsistent with this act.

To create a sinking fund adequate to the redemption of bonds.

Section 4. That the said Council of the Town of Seaford in levying the special taxes authorized by Section 5 of said Chapter 188 of Volume 22 of the Laws of Delaware, are hereby authorized to add an amount sufficient to pay the interest accruing on the bonds authorized by this act and for the purpose of establishing a sinking fund adequate to the redemption of said bonds at or before their maturity; provided, that the additional amount to be raised for the purpose of establishing a sinking fund for the redemption of said bonds shall not exceed in any one year the sum of One Hundred and Fifty Dollars.

Shall not exceed \$150.

Faith and credit of town pledged.

Section 5. That the faith of the said Town of Seaford is hereby pledged for the payment of the bonds authorized to be issued under this act.

Approved March 7, A. D. 1911.

OF CITIES AND TOWNS.

CHAPTER 236.

OF CITIES AND TOWNS.

AN ACT to amend Chapter 214, Volume 24, Laws of Delaware, entitled "An Act to re-incorporate the Town of Laurel," by increasing the sum that may be raised by taxation.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (with the concurrence of two-thirds of all the members elected to each House) :*

Section 1. That Chapter 214, Volume 24, Laws of Delaware, entitled "An Act to re-incorporate the Town of Laurel" be, and the same is hereby amended, by striking out the words "Three Thousand Dollars" where they occur in line five of paragraph (22) of Section 6 of said Act, and inserting in lieu thereof the words "Four Thousand Dollars."

Chap. 214,  
Vol. 24,  
amended.

Approved March 28, A. D. 1911.

## OF CITIES AND TOWNS.

## CHAPTER 237.

## OF CITIES AND TOWNS.

AN ACT to Reincorporate the Town of Delmar, in Sussex County.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two-thirds of all the members elected to each branch of the Legislature concurring therein) :*

Boundaries  
of the town.

Section 1. That the Town of Delmar, in Sussex County, as the same is now bounded as shown by the plot on record in the Recorder's Office at Georgetown, as provided in Chapter 286, Section 1, Volume 21, of the Laws of Delaware of 1899, and including in addition the following pieces or parcels of land, to wit: Beginning at a point at the Southeast-erly corner of the present corporate limits and running in an easterly direction on the North side of the Line Road to the Western boundary of the Methodist Episcopal Cemetery; thence in a Northerly direction by and with said cemetery to a point one hundred and fifty-two and one-half ( $152\frac{1}{2}$ ) feet North of the North side of Grove Street, extended; thence in a Westerly direction parallel with said Grove Street, extended, to a prong of the tax ditch known as the Delmar Ditch; thence by and with said ditch to the point of beginning; the second extension shall include that piece or parcel of land where the present corporate limits intersect the lands of the P. B. & W. R. R. on the North and running by and with said railroad to a point which intersects the Southerly boundary of a street laid out by the heirs of W. W. Hastings, deceased, and hereafter to be named, it being a continuation of a present private road leading from the residence of Aaron B. Francis to the public road known as the Laurel road; thence running in an easterly direction by and with the South side of the street hereafter to be named, to a point about three hundred (300) feet east of the Laurel road, it

## OF CITIES AND TOWNS.

being a point where the same intersects the west side of Third Street, extended; thence in a Southerly direction by and with the west side of said Third Street, extended, to the present corporate limits on the North; thence in a Westerly direction by and with said corporate limits to the point of beginning; shall be governed and its affairs managed and conducted by a Mayor and four Councilmen.

Mayor and  
four Coun-  
cilmen.

The Mayor and Council of the Town of Delmar shall have the power to annex any contiguous territory upon the petition of two-thirds of the freeholders of such contiguous territory, and extend and apply to such contiguous territory all laws, ordinances, resolutions, rules and regulations in force within said town so far as the same may be legally applicable.

Power to an-  
nex addi-  
tional terri-  
tory.

Section 2. That Irving Culver shall be Mayor, and that William L. Sirman, J. William Culver, Arthur W. Ellis and Samuel M. Ellis shall and are hereby declared to be the first Councilmen, and shall continue to serve as Mayor and Councilmen, respectively, for the term following, to wit: the said Irving Culver shall serve as Mayor for the term of two years from the first Monday in April, A. D., 1911; the said William L. Sirman and J. William Culver shall serve as Councilmen one year from the first Monday in April, A. D., 1911; the said Arthur W. Ellis and Samuel M. Ellis shall serve two years as Councilmen from the first Monday in April, A. D., 1911, and until their successors shall have been duly elected and qualified as hereinafter provided, with power to fill any vacancy or vacancies that may occur in their number by death, resignation, removal from the town, refusal to serve, or otherwise, and the person or persons so chosen to fill such vacancy or vacancies shall serve until the term of the person in whose place he is chosen would, in accordance with this section, expire.

Mayor and  
Councilmen  
named.

Terms of  
office.

Vacancies.

Section 3. The Mayor and Councilmen hereby appointed and their successors in office to be chosen as hereinafter provided, shall be a body politic and corporate in fact

Name of the  
corporation.

## OF CITIES AND TOWNS.

Additional  
powers.

and in law, by the name of "The Mayor and Council of the Town of Delmar," and may sue and be sued by that name; they shall, in addition to the power hereinbefore conferred, have power to regulate the streets, lanes, alleys, and sidewalks of said town, and may direct the latter or such part thereof as they may determine, to be paved the width of at least three feet or more, or otherwise improved at the expense of the owner of the ground adjacent; on complaint of any citizen, to examine any chimney, stovepipe, fixture or any other matter dangerous to the town, and if adjudged dangerous to require and compel it to be remedied or removed; to prevent or remove such nuisances in said Town as may hereafter be designated; to prohibit the firing of guns, pistols, and making of bonfires, or setting off fireworks, or any dangerous sport or practice, and to prevent or suppress any noisy or turbulent assemblages of any persons within the town; and generally, they shall have all the powers which by any law of this state are conferred on the Councilmen of the Town of Delmar.

Power to lay  
out streets.

Section 4. The Mayor and Council of the Town of Delmar shall have the power to survey and lay out such land or lands as they may deem necessary for streets; they shall first pass a resolution describing and defining the territory proposed to be taken, and shall publish such resolution at least twice in some newspaper published in the Town of Delmar; a surveyor shall be employed to lay out the land desired to be taken; they shall then offer what the Town Council believes to be a reasonable compensation to the owner or owners of the land or lands so surveyed. If any owner or owners be dissatisfied with the amount of damages or compensation he or they may, within ten days after receiving notice from the Town Council as aforesaid, appeal from the said decision or assessment by serving a written notice to that effect on the said Town Council, or any member of said Town Council. In order to prosecute said appeal, it shall be the duty of said Town Council, to make application to the resident Judge of Sussex County, who shall appoint five impartial freeholders

Damages.

Appeal.

Resident  
Judge to ap-  
point free-  
holders.

## OF CITIES AND TOWNS.

of said County. The said freeholders shall view the grounds to be so taken or occupied, and taking into consideration the advantages as well as the disadvantages which may arise to the property, they or a majority of them shall assess the damage which might be done to the said property, and return the same, under oath or affirmation, to the Town Council, which shall cause such return to be entered on its journal, and upon the payment or tender of the said assessed damages to the owner or owners of the property, the said property may be taken or occupied.

The award of said freeholders shall be made within fifteen days after their appointment by the said resident Judge. The said freeholders shall, severally, receive and be allowed for each day's actual service the sum of two dollars. In case of sickness, or unavoidable detention of any freeholder or freeholders, the said resident Judge shall appoint, forthwith, impartial freeholders to fill the vacancy so occasioned.

Award.

Compensation.

Vacancy.

Section 5. The Mayor and Councilmen herein named shall continue in office until their terms of office as stated in section two of this Act, shall have expired, and on the first Monday in April, 1912, and on the same day in every year thereafter there shall be held an election at the Town Hall in Delmar, from the hour of two to the hour of four o'clock P. M., for two Councilmen to serve for a term of two years, who shall be a resident of said town and a freeholder therein. And on the first Monday in April, A. D., 1913, and on the same day every two years thereafter, a Mayor shall be elected to serve for a term of two years or until his successor shall have been elected and qualified. Said election shall be held by two freeholders of said town to be named by the Council, who shall be judges of the election, and decide on the legality of the votes offered. At such election every male taxable of the said town above the age of twenty-one years, and who shall have paid the town tax last assessed to him, shall be entitled to vote; and the husbands of women free-

Annual election.

Shall be resident and freeholder.

Holding of election.

Who may vote at such election.



## OF CITIES AND TOWNS.

holders in said town shall be entitled to vote at such election provided the town tax last assessed to them shall have been paid.

Stated  
meetings.

Ordinances  
and rules.

Fines, pen-  
alties, etc.

Duties of  
the Mayor

Amount of  
tax

Section 6. There shall be twelve stated meetings in every year of the said Council viz: One the first Monday of each and every month, at the hour of 7.30 P. M., at which meetings they may pass all such ordinances or rules for the government of said town, the improvements of the streets, the paving or other improving of the sidewalks, the planting and protection of ornamental trees, the repairs and making of public pumps, and for all other matters relating to the general welfare of said town as said Council may deem proper, provided the same be not repugnant to the Constitution and Laws of Delaware and of the United States. By such ordinances they may impose fines, penalties or forfeitures, and provide for their collection. Also, the Mayor shall, at the request of the Councilmen call such special meetings as they may deem necessary to properly look after the interests of said town, and at such meetings they shall have the right to transact any business that they may have the power to transact at regular meetings. The Mayor shall preside at the meetings of the Council, have general supervision of the streets of said town, and of the persons who may be employed by the Council, receive complaints of nuisances, and other complaints of citizens of violations of the laws and ordinances, which shall be in writing and signed by the complainants, and present the same to the Council at their first meeting for action, and violations or infractions of the laws and ordinances as requires immediate action to cause the same to be proceeded on before the Alderman. He shall sign all warrants on the Treasurer for the payment of any money, and shall perform such other duties as may be prescribed by any ordinance or ordinances of the said Council.

Section 7. The Council herein named and their successors in office shall, at their first stated meeting in every year determine the amount of tax to be raised on said town for

## OF CITIES AND TOWNS.

that year, not exceeding One Thousand Dollars, including tax on real and personal property and poll tax; and they shall appoint an assessor who may or may not be one of their number, to make an assessment of persons and property in said town; and shall also appoint a collector and treasurer who may or may not be the same person. It shall be the duty of the assessor of said town, within two weeks from his appointment, to make a true, just and impartial valuation and assesment of said town, and also an assessment of all the male citizens above the age of twenty-one years, as well those owning real estate as those not owning real estate, at least one dollar per head as tax, provided that all able-bodied male citizens above the age of twenty-one years aforesaid, shall have the option of paying said poll tax of one dollar or working on the streets of said town, ten hours in each and every year; and further provided that any person so liable who shall fail to pay said tax and shall fail to work on said streets, as aforesaid, or furnish a substitute, after being properly notified, shall be guilty of a misdemeanor, and shall be arrested and brought before some Justice of the Peace for Sussex County, upon a warrant issued by said Justice in the name of the State of Delaware, and upon proof of said failure, shall be fined one dollar and all costs of the suit, and in default of the payment of same, shall be committed to the county jail for five days or until said fine and costs have been paid; and the said assessor shall forthwith after making said assessment, deliver to the Council for the time being a duplicate containing the names of all persons assessed and the amount of assessment, distinguishing the real and personal property of each. When the duplicate is received said Council shall give public notice of the fact in some newspaper published in Delmar, and they will sit together at a certain place, and on a certain date, to be designated by them in said advertisement, from two to four o'clock in the afternoon, to hear appeals from said assessment; they shall have the power on such day to add to or decrease any assessment except that of poll, which shall always remain at one

Not to exceed \$1000.

Assessor.

Collector and treasurer.

Duty of assessor.

Proviso.

Penalty imposed.

Duplicate.

Notice.

Appeal.

## OF CITIES AND TOWNS.

Transcript to be hung up. dollar per head. The said Council shall before the fifteenth day of April of each year cause two typewritten copies of a full and complete transcript of said duplicate hereinbefore referred to, to be hung up, one in the postoffice and the other in some public place in said town, there to remain for a space of ten days thereafter for public information. Notice of the hanging of the list shall be given in some newspaper in Delmar. The decision of the Council upon any appeals shall be final and conclusive. When the appeal is passed they shall without delay cause the assessment list to be transcribed and the transcript to be delivered to the collector, who shall thereupon collect from each taxable his proportion of the tax assessed, and pay over the whole amount, deducting his commissions and delinquencies, which shall be allowed by the Council to the treasurer, by the thirtieth day of June next after the receipt of his duplicate. The collector shall have the same power for the collection of said taxes as are conferred by law upon the collectors of county taxes. The collector shall also cause to be published in some newspaper in the town of Delmar a detailed list of delinquent taxables and the amount they owe, immediately after the paying over of his collections to the Treasurer on the thirtieth day of June of each year.

Notice.

Decision final.

Delivered to collector.

List of delinquents.

Authority to use money for current expenses.

Financial statement

Section 8. The Council, or a majority of them, shall have the authority to employ and use the money in the treasury of the town for general improvement, benefit and ornament of said town, as they may deem advisable, and all money paid out by the treasurer shall be paid upon order of the Council or a majority of them, provided that said Council shall have no authority to create debts on said town to a greater amount than they are authorized to raise by taxation and collect from the county. And the Council shall, at the first publication day following the annual election, caused to have published in some newspaper in the town of Delmar a financial statement showing in detail the receipts and expenditures of the treasurer for the previous year.

## OF CITIES AND TOWNS.

Section 9. Any ordinances for the paving, or improv- Paving. etc.  
 ing the sidewalks, shall apply only to those persons owning  
 the property affronting upon them, who, and who alone,  
 shall bear the expense of making the pavement or other im-  
 provements when the same shall be ordered. If such ordi-  
 nances be not complied with in three months, the Council Council may  
cause work  
to be done.  
 may procure the materials and do the work ordered, and col- Notice.  
 lect the expense of the same, on thirty days' notice by ad-  
 vertisement in some newspaper in Delmar, out of the per-  
 sonal or real estate of the person in default situated in  
 said town; the sale may be made by any person whom the Sale of  
property.  
 Council may deputize for the purpose, and if the proper no- Transfer  
of title.  
 tice has been given, the sale shall be valid, and shall transfer  
 all of the title of the persons in default in such property to  
 the purchaser, subject to prior liens and incumbrances.  
 The money realized from the sale shall be paid to the treas- Proceeds  
of sale.  
 urer for the use of the town, but if there be any surplus  
 after meeting the claim for which the sale was made, such  
 surplus shall be paid to the person in default. The Council  
 shall allow reasonable fees for seizing the property and mak- Fees.  
 ing sale.

Section 10. The Mayor and Council for the time being Roads and  
streets.  
 shall have the superintendence and oversight of all the roads  
 and streets within the limits of said town, and no overseer  
 of any such road or street shall be appointed by the Levy  
 Court of Sussex County, but the said Levy Court shall an- Levy Court  
shall appro-  
priate not  
less than  
\$400 an-  
nually.  
 nually appropriate for the repair of such streets and roads  
 a sum of money not less than Four Hundred Dollars, and  
 shall make an order for the payment thereof to the treas-  
 urer of the Town of Delmar for the use of said town.

Section 11. The treasurer and collector shall be sev- Treasurer  
and collector  
to be sworn.  
 erally sworn or affirmed to discharge their respective duties  
 with fidelity; such oath or affirmation may be adminis-  
 tered by any person authorized by the laws of this state to  
 administer oaths, or by the Mayor. They shall also, before  
 entering upon the duties of their offices, give bond to the Shall give  
bond.

## OF CITIES AND TOWNS.

Mayor and Council of the Town of Delmar with sufficient surety or sureties to be approved by the Council of said town, in the penal sum of double the amount of what may be likely to come into their hands, conditioned for the faithful discharge of their said offices and for the payment to their successors in office of all sums of money belonging to said town which may remain in their hands upon the settlement of their accounts, to which said bond and condition there shall be annexed a warrant of attorney for the confession of judgment for said penalty. The said treasurer shall pay all orders drawn on him by said Council, and signed by the Mayor, out of any moneys in his hands belonging to said town. He shall settle his accounts with the Council annually the first Monday in April, and at such other times as the Council may require.

Treasurer.

Section 12. The Council, at their first meeting, or as soon thereafter as convenient, shall annually proceed to elect by ballot some suitable person, resident in said town, to be Alderman of the Town of Delmar, who may or may not be a Justice of the Peace of said town, to serve as such for the term of one year or until his successor shall be duly elected and qualified, subject to be removed from office at any time by a vote of three-fifths of all the members of the Council. Before entering upon his duties he shall be sworn or affirmed by the Mayor, or by any one of the Council, to perform the duties of his office honestly, faithfully and intelligently.

Alderman.

To serve  
one year.

Section 13. The Council shall appoint a town constable. It shall be the duty of the said constable, and of the town Alderman, to suppress all riotous, turbulent, disorderly or noisy assemblages or gatherings of persons in or at any buildings used for a fair, festival, concert or other social, literary or religious meeting, or any entertainment whatsoever, or in the streets, lanes or alleys of said town at any time or season whatsoever; they shall prevent all gatherings whatever which may obstruct or interfere with the free

Town con-  
stable.  
Duties.

## OF CITIES AND TOWNS.

use of the streets, lanes, alleys, or sidewalks; and for this purpose it shall be the duty of the constable to seize and arrest any such persons so offending and take them or him before the alderman of said town, whose duty it shall be to hear and determine the case, and upon conviction before him the alderman shall sentence any persons so convicted to pay a fine not exceeding Ten Dollars, and may commit the party <sup>Fine and imprisonment.</sup> or parties to prison for a period not exceeding thirty days.

It shall be the duty of the alderman of said town, on complaint made before him of any such riotous, noisy or turbulent assemblages, or gatherings, as aforesaid, to issue his warrant to the town constable, commanding him to arrest and bring such person so offending before him for trial. It shall be the duty of the constable to arrest any drunken or disorderly person or persons who may be seen on the streets of said town and take him or them before the alderman of said town, who shall proceed forthwith and determine the case, and upon conviction before him, shall sentence such person or persons in the same manner and to the same punishment as persons brought before him for offenses in the section first enumerated. If it shall appear to the alderman that the person or persons are not in a condition to be tried and heard, he may postpone the case at his discretion. The fee to the alderman and to the constable shall be one dollar <sup>Duty of the Alderman.</sup> each, and in cases of fees not herein provided they shall receive the fees as specified by law in similar cases. <sup>Constable.</sup> The fines so received shall be paid into the town treasury to be used for municipal purposes. <sup>Fees.</sup>

Section 14. All manufacturing industries that may start in said town after the enactment of this charter shall <sup>Exempt from tax.</sup> be exempt from all town tax for a period of ten years.

Section 15. The Council shall have the authority to levy a tax of one dollar on every male dog and five dollars on every female dog held within the corporate limits. Every dog shall be registered by number and its owner provided <sup>Tax on dogs.</sup> with a brass tag one inch square, with the number stamped <sup>Dogs to be registered.</sup>

## OF CITIES AND TOWNS.

thereon, to be worn around the neck of each dog so registered. The alderman shall see that such registration is made, and provide him with brass tags, the cost of which shall be paid out of the moneys received for registration of such dogs. The alderman shall keep a suitable book for such registration, and shall make a settlement with the Council whenever called upon to do so. He shall be allowed a compensation of ten per cent. on all moneys received by him as registration fees, to be retained by him out of the moneys so received, and shall pay over the remainder to the treasurer of said town. Upon complaint, the alderman shall have the power to issue a warrant for the arrest of any such person violating the regulations or ordinances authorized by this section, directed to the town constable of said town, or to a constable of Sussex County, whose duty it shall be forthwith to arrest such person and take him before said alderman, who shall hear and determine the case, and upon conviction before him the alderman shall sentence such person to pay a fine not exceeding ten dollars, and may commit the party to prison for a period not exceeding thirty days.

Book of registration.

Fees.

Fine and imprisonment.

Dogs running at large.

The Council shall have the power to pass any such ordinances as they may deem necessary to prohibit unregistered dogs from other places running at large within the corporate limits.

Nuisances.

Penalty for failure or neglect.

Second 16. The Council shall have the authority to prevent and remove such nuisances therein as in its judgment should be abated. The Council shall take action under this section upon the written complaint of one or more residents of said town whose property or person is affected by such nuisances. The Council shall then notify the person responsible for the existence of the nuisance, and if he or they refuse to abate or neglect to remove the nuisance he or they shall forfeit the sum of ten dollars with costs, to be recovered by said Council for the use of the town in the same manner as debts of that amount are recoverable; and for every additional day the same shall remain unabated and re-

## OF CITIES AND TOWNS.

moved, he or they shall forfeit the further sum of ten dollars to be recovered with costs in the same manner.

The Council shall also have the authority to compel owners of vacant lots within the corporate limits to keep the same in a sightly condition. Upon written complaint the Council shall give said owner or owners of such lots written notice to clean up the premises, and upon failure of said owner or owners to do so, the Council has the authority to order the work done at the expense of said owner or owners. If said owner or owners refuse to pay the cost of such work, the Council has the authority to advertise and sell the property as provided in section nine.

Vacant lots.

Notice.

Council may act.

May sell property.

Section 17. All resolutions and regulations passed by the Council shall be preserved and recorded at length in a suitable book for that purpose. All ordinances of a general or permanent nature and those imposing a fine or penalty, shall be published at least twice in some newspaper published in Delmar.

Resolutions and regulations to be recorded.

Ordinances to be published.

Section 18. The Council has the power to levy a tax on all telegraph, telephone and electric light poles erected within the town limits, at a certain price for each and every pole, and also levy a tax upon saloons, restaurants, barber shops, pool rooms, peddlers, teamsters, livery stables, amusement halls or places of public entertainment, and prescribe the time within which such tax or assessment shall be paid, and to enforce its collection.

Telegraph, telephone and electric light poles.

Restaurants, barber shops, pool rooms, etc.

Section 19. The Council shall have the power to grant a franchise unto any individual or corporation to lay pipes under the surface or erect poles along the streets of said town for the purpose of supplying said town with water or light; to fix, alter, regulate and control the prices and uses of water and light so supplied; to sell water to persons or corporations along or adjacent to its pipe lines and conduits without the limits of said town of Delmar, and on such terms

To lay pipes and erect poles.

Water and light.



## OF CITIES AND TOWNS.

and under such restrictions as they shall from time to time provide.

Additional  
tax not to  
exceed \$500.

Purpose of.

Election  
shall be held  
before levy-  
ing tax.

Previous  
acts in re-  
lation to the  
town.

Acts and  
doings rati-  
fied and con-  
firmed.

Debts, fines,  
etc., due.

Unpaid  
taxes.

Section 20. The Council shall have the power to levy and collect an additional tax not exceeding Five Hundred Dollars annually, said tax to be levied and collected in the same manner as town taxes are levied and collected, to be used for the lease or rental of fire plugs throughout the town; provided, that before such special tax is levied, the Council shall advertise and hold an election at the usual voting place at a time designated by said Council, at which election all persons having a right to vote at the annual town election shall have the right to vote "For" or "Against" the levying of such special tax. Such election shall be held in the manner provided for the town election.

Section 21. All previous acts to incorporate the Town of Delmar, in Sussex County, are hereby made null and void from the date on which this act becomes effective and operative, saving and excepting, however, from the effects of such repeal and hereby expressly declaring that all ordinances of the Commissioners of the Town of Delmar heretofore enacted or adopted and now in force in pursuance of any law of this State, shall continue in full force and effect until repealed, altered or amended by the Council of said town. That all the acts and doings of the Commissioners of said town or of any officer of said town, lawfully done or performed under the provisions of any law of this state or of any ordinance of the Commissioners of said town, are hereby ratified and confirmed. That all the debts, fines, penalties and forfeitures due to said Commissioners of the Town of Delmar, and all debts due from said Commissioners of the Town of Delmar to any person or persons whomsoever, or to any corporation, are hereby declared to be unaffected and unimpaired by this repeal, and all laws of this State for the collection and enforcement thereof shall continue in full force until the same shall be fully paid and discharged. That all powers now conferred by the law upon the collector for

## OF CITIES AND TOWNS.

the collection and enforcement of all taxes in said town heretofore assessed and uncollected, shall continue in full force and effect until all of said taxes shall be fully collected and paid; that the official bond of the collector and other officials required to give bond shall be unaffected and unimpaired by the repeal, and that they and their sureties therein shall continue liable for any breaches of any of the conditions of said bonds, and that all of the proceedings heretofore commenced for the collection of any penalty, fine, forfeiture or debt to said town under any law or ordinance shall not be affected nor impaired by this repeal, but the same may be prosecuted to judgment and execution until the same is fully paid, liquidated and discharged.

Official  
bonds unim-  
paired.

All proceed-  
ings unaf-  
fected.

Section 22. This act shall be deemed and taken to be a public act, and published as such.

Approved March 1, A. D. 1911.

## OF CITIES AND TOWNS.

## CHAPTER 238.

## OF CITIES AND TOWNS.

## AN ACT to Reincorporate the Town of Georgetown.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch of the Legislature concurring) :*

Limits and boundaries of town.

Section 1. That the limits and bounds of Georgetown shall extend to the distance of one-half of a mile in every direction from the centre of the public square of the said town.

Proviso.

Provided that all lots, pieces and parcels of land included within the limits of the town as herein set forth, exceeding one acre in quantity, shall be exempt from taxation for the use and purposes of the said town of Georgetown, but all such lots, pieces and parcels of land exceeding one acre aforesaid, having a dwelling thereon, shall be taxed as and for one town lot.

Lots of one acre exempt from taxation.  
Lots where dwelling is erected; how to be taxed.

Proviso.

And further provided, That it shall and may be lawful for the Town Council of Georgetown, aforesaid, to exempt from assessment and taxation, for the period of ten years, for municipal or town purposes, the real estate of any person or persons or body corporate, within the limits of said town, upon which any manufactory or other industrial improvement for the employment of labor is now or may after the passage of this act be erected.

Lawful to exempt for ten years real estate upon which manufactory is erected.

Proviso.

And further provided, That such real estate as before described, and having been exempt by said commissioners, shall be exempt from assessment and taxation for school purposes for said period of ten years.

School tax exemption.

To what exemption shall apply.

The said exemption to apply to all persons or corporations doing an actual annual business of ten thousand dollars, to the buildings, fixtures, machinery or attachments

## OF CITIES AND TOWNS.

thereto belonging, and any adjacent land that may be necessary to their operation. And in the event of any question as to the amount of property so to be exempted from assessment and taxation under this act it shall be determined by the Town Council of Georgetown.

Amount of exemption to be determined by Commissioners.

The Town Council of Georgetown may, at any time hereafter, cause a survey and plot to be made of the said town, and the said plot, when so made, and approved by the said commissioners, shall be recorded in the Recorder's Office in and for Sussex County, and shall be evidence in all courts of law and equity in the State.

Plot and survey.

Where to be recorded.

Shall be evidence.

Section 2. That an election shall be held in Georgetown, Sussex County, on the first Saturday of March next, at the Town Hall, from one o'clock till three in the afternoon, and thereafter on the first Saturday of March in each and every year at the Town Hall, from one o'clock till three o'clock in the afternoon, due notice whereof shall be given by the said commissioners at least five days before said subsequent election for an alderman, five commissioners, an assessor, a collector, a treasurer and two auditors, but a failure to give such notice shall in no wise prevent the holding of or invalidate such election. The said alderman and commissioners and assessor, collector, treasurer, auditors shall be residents of and freeholders in said town. The votes shall be received by a State's justice of the peace in said town, and the result of the balloting for said alderman, commissioners, assessor, collector, treasurer, auditors shall be ascertained by himself and two citizens of said town selected by him to assist in holding said election.

Election.

Notice.

Shall be residents and freeholders.

At such election every white male citizen of said town who shall have attained the age of twenty-one years, and is a taxable of said town, and who shall have paid all taxes levied against him by said town, shall have the right to vote.

Voters, their qualifications.

The justice of the peace and the two citizens aforesaid shall be judges of the election and shall decide on the legality of the votes offered. Immediately after the election is closed

Judges of election.

## OF CITIES AND TOWNS.

the votes shall be read and counted, and the persons having the highest number of votes shall be declared duly elected, and shall continue in office one year or until their successors are duly elected. In case of a tie of persons voted for under this act the alderman shall give the casting vote.

Term of office one year.

Tie vote; by whom decided.

Immediately after such election, the person or persons under whose superintendence the election is held shall enter, in a book to be provided for that purpose, a minute of such election, containing the names of the persons chosen alderman, commissioners, and assessor, and treasurer, and subscribe the same, and shall give to the alderman, commissioners, assessor, collector, treasurer, auditors elect certificates of their election. The books containing such minutes shall be preserved by the commissioners and shall be evidence.

Minutes of election.

Contents of

Certificates of election.

Minute book shall be evidence.

Section 3. That the Town Council of Georgetown, to be elected as hereinbefore prescribed, and their successors in office, shall be and they are hereby created a body politic and corporate in law and equity, and the said Town Council of Georgetown, and their successors, shall be able and capable to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended in all courts of judicature whatsoever in this State by the corporate name of the "Town Council of Georgetown," and may have and use a common seal with device or devices as they shall think proper, with power to alter or change the same as may be deemed expedient, to purchase, take, hold, receive and enjoy any messuage, land, tenements or hereditaments, in fee simple or otherwise, and also goods and chattels, rights and credits, and to alien, grant, devise, sell and dispose of the same in such manner and form as they may deem expedient; provided, nevertheless, that there is hereby reserved to the Legislature the power and authority to repeal this act, or any part thereof, or any other law which may hereafter be enacted respecting the said town.

Commissioners to be a body politic.

Corporate title.

Corporate powers.

Proviso

Jurisdiction and powers of Alderman.

Section 4. That the person elected as alderman aforesaid of said town shall have, within the limits of said town,

## OF CITIES AND TOWNS.

all the powers, authority, jurisdiction and cognizance of a justice of the peace of and over all breaches of the peace and other offenses within said town, to arrest and hold to bail, or fine and imprison all offenders, and of and over all fines, forfeitures and penalties which may be prescribed by any law of the State, or by ordinances of the town commissioners, regularly passed and established for the government of said town; and of and over all neglects, omissions or defaults of the town constable or bailiff, assessor, collector, treasurer, auditors or any other person or officer whose duty it may be to collect, receive, pay over or account for any money belonging to said town or to execute or obey any law or ordinance thereof; provided that he shall not impose any fine exceeding ten dollars, nor have jurisdiction in any civil matter other than to carry out the provisions of this act, or the rules and regulations adopted for the government of said town by the persons authorized to adopt the same under this act. The fees of said alderman shall be the same as \*or allowed justices of the peace for similar services under the law of this State. It shall be the duty of the alderman to keep a book of record or docket, to be called the "Alderman's Docket of Georgetown," to be provided by the commissioners aforesaid, in which all his official acts shall be entered; and he shall, upon expiration of his term of office, deliver over to his successor all the books, papers, etc., pertaining to his office within ten days after the election and qualification of his successor, and in default of so doing he shall forfeit and pay, for the use of the said town, the sum of twenty dollars, to be recovered before the succeeding alderman or any justice of the peace residing in said town. If any vacancy shall occur in the office of alderman, commissioner, assessor, or treasurer, of the town of Georgetown, by death, resignation, removal from office, or otherwise, such vacancy or vacancies may be filled by the commissioners aforesaid, at any meeting thereafter, for the residue of the term.

Proviso.

Limit of authority of Alderman.

Fees.

Duty of Alderman to keep a record book.

Entry of official acts.

To be delivered to successor in office.

Penalty for default.

Vacancies during term; by whom filled.

\*So enrolled.

## OF CITIES AND TOWNS.

Oath of  
officers.

Section 5. That the alderman, commissioners, assessor, collector, treasurer, auditors aforesaid so elected, shall, before one of the justices of the peace in the said town be duly qualified by oath or affirmation to perform the duties of their offices respectively to the best of their knowledge respectively and without favor or partiality, and after being so qualified the said commissioners, at their first meeting after each election, shall choose a president and a secretary from their numbers, who shall continue during their term of office; and if, by death or otherwise, the place of president or secretary shall become vacant, the commissioners, or a majority of them, at their next meeting thereafter, are hereby authorized to fill said vacancy out of their own numbers as aforesaid. All the commissioners shall act, but the decision of a majority shall govern. The officers so appointed, after being qualified as aforesaid shall have all power in like manner and be subject to all penalties the same as those duly elected to said office or offices.

Organization  
of Commis-  
sioners.  
filled.

Term.

Vacancies in  
organiza-  
tion; how

Acts of ma-  
jority shall  
govern.

Duties of  
President.

Violation of  
ordinances;  
how proceed-  
ed on.

Duties of  
Secretary.

That the president of the Town Council of Georgetown shall preside at all of its meetings, appoint all committees, receive complaints of nuisance, and other complaints of citizens of violation of law and ordinances and to present the same to the commissioners aforesaid at their first meeting for their action. And such infraction or violation of the law or ordinances as require immediate action to cause the same to be proceeded on before the alderman.

It shall be the duty of the secretary to record all the proceedings of the said commissioners and keep a correct journal of the same in a book or books provided for the purpose, and also the papers relative to the said town, all of which are to be carefully preserved and delivered to his successor in office. He shall issue and sign all licenses for every exhibition within the town of Georgetown, which by Section 1, Chapter 51 of the Revised Code of 1874, a license therefor is required; he shall sign all warrants on the treasurer for the payment of any money, and shall perform such other

## OF CITIES AND TOWNS.

duties as may be prescribed by any ordinance or ordinances of the commissioners aforesaid.

Section 6. That the commissioners for the time being, or a majority of them, shall have the superintendence and oversight of all roads and streets, lanes, alleys, squares and gutters in said town to be repaired, supported, regulated, removed and amended in any manner they may deem most proper for the convenience and interest of the citizens of said town, and shall cause a fund, not to exceed Twenty-five Hundred dollars in any one year, to be raised by way of tax upon persons authorized to vote for commissioners by this act, and upon all lands and tenements and interest in said lands and tenements within the limits of said town, to discharge the expenses of repairing the said streets, lanes, alleys, bridges, squares and gutters or for any other purpose that will contribute to the safety, convenience and prosperity of said town.

Duties of Commissioners.

Commissioners shall raise \$2,500 by taxation to repair streets, etc.

That the commissioners for the time being, or a majority of them, shall have the power, upon the application of five or more citizens of said town by petition to them for that purpose, to locate, lay out and open any new street or streets or reopen old street or streets, which five or more citizens of said town may desire to be located and laid out and opened or reopened, allowing to the persons respectively through or over whose ground such new street or streets or old street or streets may run such compensation or damages therefor as they shall deem just and reasonable under all circumstances, which compensation, if any be allowed, shall be paid by the treasurer of the town out of the moneys of said town on warrant drawn on him by the commissioners aforesaid.

Power of Commissioners to lay out streets.

Compensation to land owners.

How paid.

That the Levy Court of Sussex County be and they are hereby directed, in making the appropriation of the sum of the road tax to be paid to the overseers of roads annually, to make an order for the payment to the Town Council of Georgetown of the sum of seven hundred and fifty dollars, to

Levy Court of Sussex County to appropriate \$750 for repairing streets.



## OF CITIES AND TOWNS.

Commis-  
sioners to  
have sole su-  
pervision of  
streets.

Certificate  
of Commis-  
sioners as to  
expendi-  
tures

be by them expended in repairing and maintaining in proper order the roads, streets, lanes, alleys, bridges and squares within the limits of said town; and the said commissioners shall have the sole supervision of said roads, streets, lanes, alleys, bridges and squares, provided that the said levy court shall not make the appropriation of said sum until the Town Council of Georgetown shall have certified that the said sum has been expended during the preceding year for the purposes aforesaid.

Notice to  
land owners  
when street  
is laid out

Damages-

Service of  
notice to  
non resident.

Right of  
owner to  
appeal

Notice of  
appeal.

Proceedings  
in appeal

Section 7. That whenever the commissioners shall have proceeded to locate and lay out any new street or reopen old street, and shall have fixed the compensation therefor, it shall be their duty, immediately after the survey and location of said street, or reopening old street, to notify, in writing, the owner or owners of the real estate through or over which such new or old street may run of their determination to open the same, and to furnish a general description of the location thereof, and also the amount of such damages or compensation allowed to each, and if such owner be not a resident within the said town to notify the holder of said real estate, but if there be no holder or tenant resident in said town the said notice may be affixed to any part of the premises. If any owner be dissatisfied with the determination to lay out and open the said street, or with the amount of the compensation or damage, he may, within ten days after receiving notice from the commissioners as aforesaid, appeal from the said determination or assessment, or both, by serving written notice to that effect on the said commissioners or any one of them. In order to prosecute said appeal such owner or owners shall, within ten days after the expiration of the ten days allowed for appeals, apply to either justice of the peace residing within said town, who shall, within three days thereafter, and upon notice to the said commissioners or any one of them, select and write down on a list the names of twenty-one judicious and impartial freeholders, nine of whom shall be freeholders of Georgetown hundred, owning no real estate in said town,

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and not residing within its limits, and the remaining twelve shall be freeholders of said town, owning real estate therein, and residing within its limits. The said commissioners shall, upon receiving said notice from the justice, immediately notify all persons owning real estate on the said street and residing in the said town, who have notified them of their intention to appeal, of the time and place when and where the said names shall be selected, and at the time and place mentioned in the notice of the justice, the said appellants, or as many of them as choose, and the said commissioners shall attend.

Notice to residents

Appeal, where held

The appellants, their agent or attorney, shall first strike out one of said names, and the commissioners, their agent or attorney, shall strike out another, until each shall have struck out seven; such striking shall be so confined and regulated as to leave seven remaining freeholders, located as follows, to wit: four resident in said town and three residing out of said town, who shall constitute the freeholders who shall determine concerning the necessity of said street and assess the damages of all owners of real estate through or over whose ground the said street shall run who shall have notified the commissioners of their intention to appeal, and their award and assessment shall be final, and a copy thereof shall be communicated to all parties, appellants and commissioners. In case either side, commissioners or appellants, be not represented before the justice, or shall refuse to strike, the justice shall strike for the party so absent, neglecting or refusing. Any party appellant or commissioners may, within ten days after the appointment of said freeholders, and upon five days notice to the other parties resident in said town, or in case of non-residents notice to the holders of any real estate, call out the freeholders aforesaid, who shall thereupon proceed, upon oath or affirmation, to inquire of the necessity of such street, and in case they deem such street to be necessary, to assess the damages of the several owners. Their award shall be made within twenty days from the time of notifying them to meet. If any freeholder thus

Freeholders to try appeal, how chosen

Assessment of damages

Award to be final

Justice to act for party refusing

Freeholders to proceed under oath

Award, when to be made

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Penalty for freeholder's refusal to serve. appointed and notified shall refuse to serve he shall forfeit the sum of twenty dollars, to be recovered in an action of debt before the alderman or any justice of the peace of Sussex County in the name of the Town Council of Georgetown for the use of said town. The said justice of the peace shall have the power to fill any vacancy in the commission. If in case the award of the freeholders shall be against the necessity of any such street, then no petition for any such new street so condemned shall be entertained by the commissioners then acting during the term for which they were elected.

How recoverable.

Justice may fill vacancy.

Action of commissioners on award.

Acts of majority of freeholders valid. The act of a majority of said freeholders shall be as good as the act of the whole in making any such award or assessment of damages.

When costs of appeal to be borne by town. Section 8. That if on any such appeal the award shall be against the necessity of a street or the freeholders shall increase the damages of any appellant, then the costs of the appeal shall be borne by the town.

When costs shall be borne by appellant. But if the freeholders shall affirm the necessity of the street, and shall not increase the damages of any appellant, then the costs shall be paid by the appellants equally. That the damage which may be assessed upon the occasion of opening any new street shall be paid out of the funds of the town, or duly tendered, before the property of any person, in whose favor the damages are assessed, shall be appropriated for the opening of any such streets, and in case of any such owner or owners in whose favor any such damages are assessed shall be a minor, non-resident, or refuse to receive or be incapable for any cause of receiving the same, such damages may be deposited in the Farmers' Bank of the State of Delaware at Georgetown, or any other banking institution which may at the time exist in said town, to the credit of such person or persons and subject to his or their order, and such deposit shall operate as payment. The fees of the freeholders shall be one dollar per day. After the damages shall be fixed and ascertained by the freeholders, the commissioners aforesaid shall have the option to pay the dam-

Damages, when and how to be paid.

Damages due minor, how paid.

Fees of freeholders.

## OF CITIES AND TOWNS.

ages assessed as aforesaid and to proceed with the said improvements, or, upon payment of the cost only, may abandon the proposed improvements.

Option of commissioners to pay damages or to abandon improvements.

Section 9. Should the Town Council of Georgetown desire to have vacated any street, highway, lane or alley, or any part thereof in the town of Georgetown, the said Town Council of Georgetown shall prefer a petition to the Court of General Sessions in and for Sussex County, praying that the same shall be vacated. The said petition shall set forth with particularity the street, highway, lane or alley, or any part thereof, desired to be vacated and shall be signed by the corporate name of Town Council of Georgetown by the President, attested by the Secretary, with the corporate seal thereto affixed. Upon such petition being preferred the Court of General Sessions shall make an order appointing five suitable persons to view the said street, highway, lane or alley, or any part thereof, desired to be vacated, and make return to the said Court on the first day of the next succeeding term thereof. In an order made out on a petition for vacating a street, highway, lane or alley, or any part thereof, under the provisions of this Act, the direction shall be, that if they judge such street, highway, lane or alley, or any part thereof, to be unnecessary and that it ought to be vacated, they shall so report in their return to the Court, and in making the order of confirmation of such return the Court shall make an order vacating any such street, highway, lane or alley, or any part thereof, so reported in said return as unnecessary, and upon such order being made shall become and be the property of the adjacent owners respectively on each side of such street, highway, lane or alley, or any part thereof so as aforesaid vacated, and shall by them be taken in possession, and they shall have full power and authority to dispose of same by deed, lease or otherwise as they may deem best. And when any such street, highway, lane or alley, or any part thereof shall have been vacated as aforesaid, any person sustaining injury thereby may apply to the Court of General Sessions in and for Sussex County, at the term to

May cause to be vacated any street, alley, etc.

Petition.

Court to appoint suitable persons.

Damages.

## OF CITIES AND TOWNS.

which said return is made, or the next succeeding term, to appoint three disinterested and impartial persons to value the damages which he has sustained, and the damages so assessed shall be paid by the Town Council of Georgetown aforesaid before said street, highway, lane or alley, or any part thereof, so vacated shall be closed up or obstructed. The costs on all proceedings to vacate shall be paid by the Town Council of Georgetown, and in all applications for the appointment of Commission to value damages the person or persons so making application shall pay the costs of the proceedings unless damages are awarded, in which case the costs shall be paid by the Town Council of Georgetown.

Costs of proceedings.

Powers of Commissioners for government of town.

Section 10. That the said commissioners shall have authority to make such regulations and ordinances for the government of the town as they shall deem proper and necessary, and they are hereby authorized and required to provide sanitary measures for the health of the citizens, and to prevent the introduction of infectious or contagious diseases, for which purpose their jurisdiction shall extend at any distance within one mile of the limits of said town, and cause all obstructions and nuisances that may at any time be and exist within the limits of said town, whether in the streets, lanes, alleys or gutters, on the sidewalk, or in any other place within the limits aforesaid, to be removed and abated. The said commissioners, or a majority of them, may proceed, either upon their own view or upon complaint of any other citizen, in writing, stating the character of said nuisance or obstruction and where the same exists.

Jurisdiction as to contagious diseases.

May remove nuisances.

Notice to person causing obstruction or nuisance.

Penalty for refusal or neglect to remove.

If the said commissioners, or a majority of them, either upon such information or upon view, shall determine that an obstruction or nuisance exists and ought to be removed, they shall give notice, in writing, to the person causing such obstruction or nuisance, or who is responsible for its existence or continuance, to remove or abate the same, and if such person shall refuse or neglect, for the space of two days after such notice, to remove or abate the said obstruction or nuisance, he shall forfeit and pay the sum of ten dollars with

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costs, to be recovered by the Town Council of Georgetown, <sup>How recoverable.</sup> for the use of the town, in the same manner as debts of that amount \*or recoverable; and for every additional day the <sup>Further delay; penalty for.</sup> same shall remain unremoved and unabated he or she shall forfeit the further sum of ten dollars, to be recovered with costs in the same manner.

The commissioners aforesaid may also pass ordinances to protect shade trees planted along any streets, lanes, or alleys, or upon any square within the town limits; to ascertain and fix the boundaries of streets, squares, lanes and alleys, or to repair and improve the same, or to alter, extend or widen any street, square, lane or alley, or open or lay out new ones, subject to the provisions in that behalf herein contained; to regulate and fix the ascents and descents of all streets, lanes and alleys, and the drainage thereof; and to direct the paving and graveling of footpaths and prescribe the width thereof; to regulate and provide for the making of gutters and the placing of gutter-stones or plates therein, and for curbing, wherever in their opinion such paving or graveling, making of gutters and the placing of gutter-stones or plates therein, and curbs, may be necessary and proper; to prescribe the extent of steps, porches, cellardoors, and other inlets to lots and buildings. <sup>Further powers of Commissioners.</sup>

Section 11. That the said Town Council of Georgetown <sup>Pavements.</sup> be and they are hereby authorized and required, upon the written petition of five or more substantial freeholders of said town, to direct in writing, the owner or owners of any house or land in Georgetown before, along, in front of or adjoining which they may deem proper that a pavement should be laid, to curb and lay a pavement, or either or both, of brick or smooth stones or cement, as the Town Council of Georgetown may direct, of such length and width as the said Town Council of Georgetown may specify.

\*So enrolled.

## OF CITIES AND TOWNS.

Town may  
pave, when.

Bill of ex-  
pense pre-  
sented to  
whom.

Property  
may be  
levied on.

Duty of  
Collector.

Notice to  
land owner.

Sale of  
chattels.

Notice for  
sale of lands.

In the event of any owner neglecting or refusing to comply with said notice for the space of three months, the said Town Council of Georgetown may proceed to have the same done, and when done, the collector of the said town shall, as soon as convenient thereafter, present to the owner or owners of said lands a bill, showing the expense of such paving or curbing, or either, or both; if such owner or owners shall not reside in the town of Georgetown, such bill may be presented to the occupier or tenant of such land, or, if there be no occupier or tenant resident in said town of Georgetown, such bill may be sent by mail to such owner or owners, directed to him, her or them at the postoffice nearest his, her or their residence. If such bill be not paid by the owner or owners of such lands within thirty days after the presentation of the same as aforesaid, then it shall be the duty of said Town Council of Georgetown to issue a warrant, in the name of the Town Council of Georgetown, under the hand of the President, attested by the Secretary, and under the seal of the Corporation, directed to the Collector of Taxes of the Town of Georgetown, commanding him that of the goods and chattels, lands and tenements of such owner or owners he shall cause to be levied and made the amount of said bill, together with all costs. It shall be the duty of said collector, as soon as convenient after the said warrant shall be delivered to him, and after ten days' notice to the owner or owners of such lands, and after posting five or more notices of sale in at least five public places in the town of Georgetown at least ten days before the day of sale, to sell the goods and chattels of such owner or owners at public auction, or so much thereof as may be necessary to pay the amount of said bill, with all costs. If no goods and chattels of such owner or owners can be found within said town sufficient to satisfy the amount of said bill, with all costs, then it shall be the duty of the said collector, after ten days' notice to such owner or owners aforesaid, and after posting five or more notices of sale in at least five public places in the town of Georgetown for at least ten days before the day of

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sale, to sell the lands and tenements of such owner or owners before, along, in front of or adjoining which such paving and curbing, or either or both, have been done, or so much of said lands and tenements as may be sufficient to satisfy the amount of said bill, with all costs, and a deed from the Town Council of Georgetown, signed by the President and attested by the Secretary under the corporate seal of the Town Council of Georgetown, shall convey to the purchaser or purchasers of such lands and tenements as full and complete title, in fee simple or otherwise, as if the same were executed by the owner or owners thereof are hereby authorized and empowered to employ a person to bid for them at any such sale and in case where the person so employed shall be the highest bidder, the deed for said lands shall be executed by the Collector effecting said sale, to said Town Council of Georgetown.

Sale of lands.  
Power to convey title.

The claim for paving or curbing, or either or both, with interest on the same from the date of completion of the improvements, shall be a lien on the premises before, along, in front of or adjoining which the said work was done, and shall have priority over any lien incumbrance or conveyance after the completion of the said improvements; provided that within thirty days after the completion of said improvements a certificate, under the corporate seal of said Town Council of Georgetown, signed by the President, and attested by the Secretary, setting forth the amount of the bill, the date of the completion of the improvements and a description of the property affected by said lien, with the name or names of the owner or owners, shall be recorded in the mortgage records, in the office of the Recorder of Deeds at Georgetown, in and for Sussex County; and the record of such certificate shall be evidence in all courts of law or equity in this State.

Lien on the premises.  
Shall be recorded.

Any such lien heretofore acquired shall be continued, provided that a certificate as above described shall be re-



## OF CITIES AND TOWNS.

corded in the said office of the Recorder of Deeds within ninety days after the approval of this Act.

Proceeds of  
sale; how to  
be applied.

From the proceeds of the sale of the goods and chattels or lands and tenements, sold as aforesaid, it shall be the duty of the Collector aforesaid to pay all costs arising from the sale to the parties entitled thereto, and to retain for the use of the said town the amount of the said bill as aforesaid, and the residue thereof, if any, shall be deposited in the Farmers Bank of the State of Delaware at Georgetown, Delaware, to the credit of said owner or owners.

Residue;  
where to be  
deposited.

Sold subject  
to lien.

Lands and tenements sold as aforesaid shall be sold subject to any lien or encumbrance suffered or made by the owner or owners thereof before the completion of said improvements.

Compensa-  
tion of Col-  
lector for  
making sale.

The Collector aforesaid shall be entitled to receive two dollars for every sale of personal property under this Section, and five dollars for every sale of real estate under this Section together with such additional sum as may be reasonable and proper for the keeping, taking care of, advertising and selling such personal property, and for advertising and selling such real estate, all of which shall be part of the cost to be paid out of the purchase money aforesaid. Any notice required by this Section to one co-owner shall be notice to all, and in case no owner shall reside in the said town, notice served upon the occupier or tenant of such property shall be sufficient; or if there be no owner, occupier or tenant of said premises in said town, it shall be sufficient to send notice by registered mail to any owner of said premises directed to him or her at the postoffice nearest his or her place of residence; and the receipt of the registry receipt for such registered letter shall be conclusive evidence that such notice has been received by the person to whom it was mailed.

Notice.

The provision contained in this Section shall apply to any order made by the Town Council of Georgetown in respect to any pavement, sidewalk or curb heretofore made or

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done which the said Town Council of Georgetown may deem insufficient or to need repairing.

If any lot or lots, house or houses, on any of the streets of said Town of Georgetown shall be held or owned by any widow or widows as and for her or their dower, or any tenant for life, such expenses incurred as aforesaid for the lot or lots, house or houses so held, shall be paid by the owner or owners of the reversion in fee simple; and if such owner or owners be a minor or minors at the time of such expense being incurred, then the same shall be paid by the guardian or guardians, agent or agents acting for such minor or minors, out of any money or effects of such minor or minors, and a receipt therefor to such guardian or agent shall be sufficient evidence of such payment and shall be allowed in his or her guardian's or agent's account and if not paid by the guardian or agent as aforesaid, on the presentation of the bill, the same shall remain on interest from the day of the presentation and be a lien against such lot and improvement until paid. All subsequent repairs named in this Act to be kept up at the expense of the said tenant in dower or other life tenant. The said Town Council of Georgetown in addition to the provisions of this Section hereinbefore contained, shall have the power and authority to enforce by ordinance all the requirements of this Section by imposing such fines and penalties as shall, in the judgment of said Town Council of Georgetown, be necessary and proper.

Section 12. That the Town Council of Georgetown shall have power and authority to make, establish and publish such ordinances as they may deem beneficial for the good government of the said town at any meeting. There shall be twelve stated meetings in every year of the said commissioners, to wit: On the first Friday of each and every month. They shall have and are hereby vested with power and authority to prescribe the fines and penalties for violations of any of the provisions of this Act, or of the ordinances which they may enact in pursuance thereof, and

Expenses against dower land to be paid by owner of reversion.

Expenses against minor's land; payment of.

Repairs; how kept up.

Fines and penalties.

Power of Commissioners to establish ordinances. When.

Time of holding regular meeting.

Power to impose fines.

## OF CITIES AND TOWNS.

Collection of fines. which are not specially provided for in this act. All such fines and penalties which may be imposed either by this act or the ordinances enacted as aforesaid may be collected before the alderman of said town or any justice of the peace of said town, and in default of payment said alderman or justice of the peace may commit for any time not exceeding thirty days. The said Commissioners shall be allowed for their attendance at each meeting of Council a sum not exceeding one dollar; provided, however, that no commissioner, except the Secretary of Council, shall receive a greater sum than Twenty-five Dollars in any one year.

Commitment of offenders. When and for how long.

Proviso.

Commissioners may appoint constables. Section 13. That the Town Council of Georgetown shall have power to appoint such number of town constables as shall be deemed necessary as shall constitute the town police, with power to remove any such constables and appoint others if it be deemed necessary.

Duties of the Auditors. Section 14. The auditors shall some time between the first and twentieth days of January in each year examine and audit the books and accounts of the commissioners, collector, treasurer and alderman. After having completed such examination and audit the said auditors shall submit a full detailed report thereof to the commissioners and the same shall be spread in full upon the minutes of the commissioners. The auditors shall cause a statement of said examination and audit to be published in at least one newspaper printed or published in said town, at least one month before the annual town election, which said statement shall show the amount of taxes collected by the collector and the amount of taxes remaining unpaid; the amount of money received by the treasurer and when and from what source and the amounts paid out by the treasurer upon orders; the amount of fines imposed by the alderman and the actual amount of fines received by said alderman; and the total amount of all orders drawn by the commissioners. The auditors shall receive as compensation for their services the sum of ten dollars each per annum.

Shall report to Commissioners.

Publication in at least one newspaper.

Compensation.

## OF CITIES AND TOWNS.

Section 15. That it shall be the duty of the constable or constables aforesaid to arrest any drunken or disorderly person they may see on the streets of said town, and take such person so arrested before the alderman of said town, who shall proceed forthwith to hear and determine the case, and upon conviction before him he shall sentence such person or persons so convicted to pay a fine not exceeding ten dollars, and may commit the party or parties to prison for a period not exceeding thirty days, or until such fines and costs shall be paid.

Duty of constable to make arrests.

Hearing.

Sentence.

And the said Town Council of Georgetown shall pay for the board (and commitment fee) of all persons committed to jail for violation of the charter or by-laws of said town at the same rate as is paid by the sheriff of Sussex County by the levy court for the board of prisoners.

Board of persons committed to jail.

Payment of.

Section 16. That if any constable shall neglect or refuse to perform any of the duties required of him by this act he shall be deemed guilty of a misdemeanor, and it shall be the duty of the commissioners aforesaid to present him to the grand jury of Sussex County, and upon conviction thereof by indictment he shall be fined in a sum not less than ten or more than one hundred dollars, and may be imprisoned, in the discretion of the court, for any term not exceeding one year, and upon such conviction he shall ipso facto forfeit his office.

When constable shall be guilty of misdemeanor.

Presentment of to grand jury.

Fine and imprisonment.

Forfeiture of office.

Section 17. That the assessor of the town for the time being shall annually, on or before the first day of April, make a true, just and impartial valuation or assessment of all the real estate within said town, except as hereinbefore excepted, and also an assessment of all the white male citizens residing in said town above the age of twenty-one years, as well those owning as those not owning real estate within its limits; and the said assessor shall forthwith, after making such assessment, deliver to the commissioners for the time being a duplicate containing the names of all the persons assessed and the amount of their assessment, distin-

Annual assessment.

Duplicate.

## OF CITIES AND TOWNS.

Contents of.	guishing the real and personal assessments of each. The
Commissioners shall assess real estate of assessor.	commissioners shall assess the real estate and person of the assessor. The commissioners shall, between the first and fifteenth days of April, cause a complete and full transcript
Transcript of duplicate; where to be hung up.	of said duplicate to be hung up in a public place in one hotel in said town, there to remain for the space of twenty days thereafter for public inspection; and the said commissioners shall, on the Wednesday next after the expiration of the
For how long.	said twenty days, hold a court of appeals, which shall continue open from nine o'clock A. M. until twelve M., and from
Appeal.	two o'clock P. M. until five o'clock P. M., of the said day, when they shall hear and determine appeals from said assessment. Notice of the hanging up of the list, and also, at the same time, notice of the time and place of hearing appeals, shall be given by notices posted in at least six public
Where to be held.	places in said town. The decision of the commissioners upon any appeals shall be final and conclusive. No commissioner
Notice of appeal.	shall sit upon his own appeal, but the same shall be heard and determined by the others.
Decisions of Commissioners final.	
Not to sit on his own appeal.	
Adjustment of assessment and rates.	After the valuation and assessment shall be examined and adjusted by the said commissioners, all taxes shall be levied, assessed and raised on the real estate, and persons thus valued and assessed in just and equal proportions and rates. The assessor, immediately after his election and before entering upon the duties of his office, shall be sworn or affirmed by some judge or justice of the peace, diligently, faithfully and impartially to perform the duties of his office to the best of his ability, knowledge and judgment, and a certificate shall be made by the person administering the oath or affirmation, in the record book of the commissioners containing the certificate of the election of the alderman, commissioners, assessor, treasurer, collector, auditors aforesaid. The assessor shall receive a reasonable compensation to be determined by the commissioners.
Oath of assessor.	
Certificate of oath. Record of.	
Taxes paid before May 15 eight per cent allowed	Section 18. That after the commissioners have ascertained the sum necessary to be raised in the said town for the purpose of this act, and have apportioned the same on

## OF CITIES AND TOWNS.

the assessment and valuation aforesaid, it shall and may be lawful for the treasurer to accept and receive the tax of each and every person liable to pay the same, who shall tender the payment thereof before the fifteenth day of May in the year in which said tax shall be levied, and each and every person so paying his tax within said time shall be allowed an abatement of eight per centum upon said tax. That the treasurer shall give notice of the days, times and place he will sit to accept and receive taxes and allow the abatement of the eight per centum, by public notices posted in at least six public places in said town which said days shall be the three days immediately preceding the said fifteenth day of May in each year and the times from eight o'clock in the morning to twelve o'clock noon, and from one o'clock to six o'clock in the afternoon and from seven o'clock to nine o'clock in the evening of said three days. It shall be the duty of the commissioners to furnish, within ten days after the said fifteenth day of May in each year, the collector of said town with a list or duplicate containing the names of the taxables, as well the owners of real estate as those not owning real estate, and opposite the names of each the amount of the real estate and his personal assessment, distinguishing between them, and also the tax levied on each person, and also the tax on the whole valuation, and the rate per one hundred dollars. The list or duplicate shall be signed by the commissioners or a majority of them. The collector, immediately after receiving said list or duplicate shall proceed to collect the taxes mentioned in said list, and in collecting the same shall have the same powers as are given by law to the collector of county rates and levies and also all the powers as are given by law to collectors of the school rates and levies. The collector aforesaid, being herein given the same powers as are given by law to the collectors of county and school taxes, shall be entitled to receive one dollar for every sale of personal property made by him in the exercise of said powers for the enforcement of the payment of taxes, with such additional sum as may be reasonable and proper for the keep-

Notice to be given.

Where posted.

List or duplicate to be furnished.

Signed by the Commissioners.

Powers of Collector.

For making sales of property.

## OF CITIES AND TOWNS.

ing, taking care of, advertising and selling such personal property, all of which shall be part of the costs to be paid out of the purchase money realized from the sale of such personal property so sold for taxes; and shall be entitled to receive five dollars for every sale of real estate made by him in the exercise of said powers for the enforcement of the payment of taxes, with such additional sum as may be reasonable and proper for the services of counsel in preparing and presenting to the court his petition for an order for the sale of such real estate and the return of the sale thereof to the court, and for advertising and selling such real estate, all of which shall be part of the costs to be paid out of the purchase money realized from the sale of such real estate so sold for taxes. The collector, before he enters upon the duties of his office, shall give bond with sufficient surety to be approved by the commissioners, in a penalty to be determined by the said commissioners, and to be as nearly as can be ascertained, double the amount which such collector is required to collect, with conditions as follows, viz:

Collector to  
give bond.

Condition of  
bond of the  
Collector

"The condition of the above obligation is such that if the above bound being collector of the town of Georgetown, Sussex County, Delaware, shall faithfully and diligently collect all the rates and taxes which he shall, according to the list and duplicate to be furnished him as such collector, be required to collect, and shall pay the amount of all such rates and taxes, excepting only so far as allowances shall be made to him by the Town Council of Georgetown for delinquencies, commissions or otherwise, to the treasurer of Georgetown, in the manner and within the times prescribed by law; and furthermore, if the said

shall perform the duties of his office of collector as aforesaid in all things, with fidelity, then the above obligation shall be void." To the said bond there shall be subjoined a warrant of attorney to confess judgment thereon, and the said bond and warrant shall be joint and several; provided, however, that if corporate surety be offered by the Collector and approved by the Town Council of

Warrant.

Proviso.

## OF CITIES AND TOWNS.

Georgetown, the Town Council of Georgetown may or may not, in its discretion require warrant of attorney to confess judgment to be subjoined to said bond. The collector shall receive a reasonable compensation to be determined by the commissioners. The collector, shall make settlement with and pay over to the treasurer all moneys collected by him quarterly, on the first Monday of March, June, September and December in each year. The treasurer, before he enters upon the duties of his office, shall give bond with sufficient surety to be approved by the commissioners, to the Town Council of Georgetown in the penal sum of Three Thousand Dollars, with condition as follows: "The condition of the above obligation is such that if the above bounden , treasurer of Georgetown shall faithfully discharge the trust reposed in him and pay over to his successor in office all such sums of money as may remain in his hands upon the settlement of his accounts, then the above obligation shall be void."

Settlement  
to be made  
quarterly.

Treasurer to  
give bond in  
penal sum of  
\$3,000.

Condition  
of bond.

The said treasurer shall receive from the collector quarterly, on the first Monday in March, June, September and December in each year all moneys collected by said collector for taxes and shall give the collector a receipt therefor; shall receive from the alderman all moneys received and collected by the said alderman as fines; and shall receipt to the alderman therefor; and shall receive from the Levy Court of Sussex County, Delaware, the order or orders drawn and allowed by said Levy Court under the provisions of Section 6 of said Chapter 765; and shall pay all orders drawn upon him by the commissioners, when he shall have sufficient funds in hand to do so.

Duties of the  
Treasurer.

The said treasurer shall receive the sum of twenty-five dollars per annum for his services.

Compensa-  
tion.

Section 19. That it shall be the duty of the said alderman, commissioners and constable, or any justice of the peace residing in said town, to suppress all riotous, turbulent, disorderly or noisy conduct of any person or persons, or

Duty of of-  
ficers to  
maintain  
order.



## OF CITIES AND TOWNS.

Duty of constable to make arrests.

Hearing of offenders.  
Sentence.

Duty of Alderman or Justice to issue warrant.

Fees of constable.

Further duties of officers to use of firearms and fireworks.

Fines; how collectible.

disorderly or noisy assemblages or gatherings of any person or persons in the streets, lanes or alleys or squares of said town, or in any house situated therein, after night, or on the Sabbath day, or at any other time or season whatever, and for this purpose it shall be the duty of the said constable, upon the requisition of the alderman, or any one of the said commissioners, and without further warrant, forthwith to seize and arrest any such person or persons so offending and to carry him or them before the said alderman, or any justice of the peace resident in said town, and upon conviction before the said alderman, or justice of the peace, as aforesaid (whose duty it shall be to hear and determine the case), the said alderman or justice of the peace shall sentence any such person so convicted to pay a fine not exceeding ten dollars and commit the party to the public jail of Sussex County for a period not more than thirty days, or until said fine and costs be paid. It shall be the duty of the said alderman or the justice of the peace, upon complaint made before him of any such riotous, turbulent conduct as aforesaid, or noisy assemblages, to issue his warrant to the said constable, commanding him to bring any such person or persons so offending as aforesaid before him for trial. The fees and emoluments of the said town constable shall be the same as a constable of the county for like services, provided, that he shall not serve any civil process, except to carry out the provisions of this act.

Section 20. That it shall be the duty of the said alderman, commissioners, constable, or justice of the peace, to suppress, extinguish and prevent all bonfires on the public square or in any of the streets, lanes or alleys of the said town, and to suppress or prevent the firing of guns, pistols or the letting off of fireworks, or the making or throwing fireballs within the limits of the said town; and the said commissioners may enact and publish ordinances with reasonable penalties for preventing the same, and punishing persons guilty of their violation. Any fine imposed by any such ordinance may be collected before the alderman or justice

## OF CITIES AND TOWNS.

of the peace within the said town, and in default of payment the said alderman or justice of the peace may commit to the public jail of the county for any time not more than five days. All fines and forfeitures realized under the provisions of this act by the alderman or justice of the peace as aforesaid shall be paid over to the treasurer for the use of the said town.

Fines shall  
be paid to  
Treasurer.

Section 21. That the Town Council of Georgetown shall have full power and control over all ditches and gutters in said town, except such ditches as were under the management and control of ditch Companies prior to the passage of an act entitled "An Act to incorporate the town of Georgetown" passed at Dover, April 27, 1893, and being Chapter 765 of Volume 19, Laws of Delaware, and such parts of said ditches as are within the corporate limits of the town of Georgetown are hereby placed under the management and control of the several ditch companies respectively, subject nevertheless, to a general supervision thereof by the Town Council of Georgetown and the Board of Health of the town of Georgetown as to the sanitary condition of the same; and all ditch companies, whether created under the laws of the State or corporations shall not and they are hereby prohibited from taxing the Town Council of Georgetown for the benefit of said ditches, but shall, assess, levy and collect the taxes for said ditches from the individuals in the town of Georgetown benefited by said ditches in the same manner said taxes were assessed, levied, and collected prior to the passage of said Chapter 765, Volume 19, Laws of Delaware.

Powers of  
Council re-  
specting  
ditches, gut-  
ters, etc.

Ditch com-  
panies.

Section 22. That an act entitled "An act to incorporate the town of Georgetown," passed at Dover, April 27, 1893, being Chapter 765, Volume 19, Laws of Delaware, and the several acts amending the same which are inconsistent with this act, be and the same are hereby repealed and made null and void, saving and excepting however from the effect of such repeal, and hereby expressly declaring, that all the or-

Acts hereby  
repealed.

Exceptions.

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Ordinances shall continue in force until repealed by Commissioners.

Prior acts and doings ratified.

Debts and obligations unaffected.

Collection of.

Collection of taxes.

Official bond not affected.

Proceedings unaffected.

ordinances of the town of Georgetown heretofore enacted or adopted, and now in force in pursuance of any law of this State, shall continue in full force and effect until repealed, altered or amended by the commissioners of said town; that all the acts and doings of the commissioners of said town or of any officer of said town, lawfully done or performed under the provisions of any law of this State, or of any ordinance of the commissioners of said town, are hereby ratified and confirmed; that all debts, fines or penalties and forfeitures due said town of Georgetown, and all debts due from said town of Georgetown to any person or persons whatsoever, or to any corporations, are hereby declared to be unaffected and unimpaired by this repeal, and all the laws of this State for the collection and enforcement thereof shall continue in full force and effect until the same shall be fully paid and discharged; that all the powers now conferred by law upon the collector for the collection and enforcement of all taxes in said town heretofore assessed and uncollected shall continue in full force and effect until all the said taxes shall be fully collected and paid; that the official bond of the treasurer of said town shall not be affected or impaired by this repeal, and that he and his sureties therein shall continue liable for any breaches of any of the conditions of the said bond; that all proceedings heretofore commenced for the collection of any penalty, fine, forfeiture or debt due said town, under any law or ordinance, shall not be affected or impaired by this repeal, but the same may be prosecuted to judgment and execution until the same be fully paid, liquidated and discharged.

Section 23. That this act shall be deemed and taken to be a public act.

Approved March 3, A. D. 1911.

OF CITIES AND TOWNS.

CHAPTER 239.

OF CITIES AND TOWNS.

AN ACT to amend Chapter 193, Volume 23, Laws of Delaware, entitled, "An Act to re-incorporate the Town of Milton," by increasing the amount which may be raised by taxation in said town.

*Be it enacted by the Senate and House of Representatives of the State of Delaware (with the concurrence of two-thirds of all the members elected to each House) :*

Section 1. That Section 22 of Chapter 193, Volume 23, Laws of Delaware, entitled, "An Act to Re-incorporate the Town of Milton" be and the same is hereby amended by striking out of said Section the words "One Thousand Dollars" where they occur in the third and fourth lines of said Section, and inserting in lieu thereof the words "One Thousand, Seven Hundred and Fifty Dollars." Sec. 22,  
Chap. 193,  
Vol. 23,  
amended.

Approved March 28, A. D. 1911.

## OF CITIES AND TOWNS.

## CHAPTER 240.

## OF CITIES AND TOWNS.

## AN ACT to Re-Incorporate the Commissioners of Rehoboth.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of the members of each branch thereof concurring therein) :*

Town of Rehoboth.

Section 1. That all the lands lying and situated within the limits of what was formerly the Rehoboth Beach Association, situated in Lewes and Rehoboth Hundred, Sussex County and State of Delaware, shall be known as the Town of Rehoboth and by that name shall hereafter be called and designated.

Commissioners of Rehoboth.

Section 2. That the Commissioners of Rehoboth now in office and their successors hereafter chosen under the provisions of this Act, shall be a body politic and corporate in fact and in law by name, style and title of The Commissioners of Rehoboth and by that name may sue and be sued, implead and be impleaded in all courts of law and equity in this State and elsewhere, and shall have power to make and use a common seal and alter and renew the same at pleasure, and for the purposes of this Act renew the same at pleasure, and for the purposes of this Act hereinafter set forth to take, hold, receive and enjoy any lands, tenements and hereditaments in fee simple or otherwise, and also goods, chattels, rights and credits, and to alien, grant, and dispose of the same in such manner as they may deem expedient and proper for the purposes hereinafter expressed; and also to appoint such officers and agents as shall be deemed necessary or convenient for the management of the affairs of said town; to fix and determine the compensation of such officers and agents, and generally to do all such acts and things as are or shall be

May sue and be sued.

Common seal.

May acquire land.

To appoint officers.

To fix compensation of such officers.

## OF CITIES AND TOWNS.

necessary to carry into effect the provisions of this Act, and to provide for the welfare of the town and the maintenance of a permanent seaside resort, furnish the proper conveniences and attractions requisite to the success of the same; provided that nothing in this Act shall be construed as conferring any banking power.

May furnish conveniences and attractions.

Section 3. That The Commissioners of Rehoboth shall consist of seven members, to be chosen as hereinafter provided. The Commissioners of Rehoboth and other officers now serving shall continue in office until noon of the first Saturday in August next succeeding the expiration of the respective terms for which they have heretofore been elected.

Shall consist of seven members.

Term of office of present Commissioners.

Section 4. That the first election held under the provisions of this Act shall be held on the second Saturday of July in the year 1911, at the usual voting place, or at such place as may be designated by the Commissioners, between the hours of twelve o'clock noon and four o'clock in the afternoon, at which said election there shall be elected three Commissioners for the term of two years, or until their successors are duly elected and qualified, said three commissioners to be elected to succeed the three commissioners whose terms will expire, under the provisions of this Act, at noon on the first Saturday in August next succeeding said election, and thereafter their successors shall be elected for the term of two years. One commissioner for the term of one year, or until his successor is duly elected and qualified, who shall be a bone fide resident of the town of Rehoboth and who shall have the title of Mayor of Rehoboth, with duties as hereinafter prescribed and who shall also be President of The Commissioners of Rehoboth, said commissioner so elected for one year being elected to succeed the commissioner heretofore elected for one year with the title of Mayor of Rehoboth, and President of The Commissioners of Rehoboth, whose term will expire, under the provisions of this Act, at noon on the first Saturday in August next succeeding said election; three auditors of accounts to serve for the term

When and where first election shall be held.

Three Commissioners to be elected.

Subsequent elections.

Mayor of town.

Auditors of accounts.

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Assessor.	of one year, or until their successors are duly elected, whose duties are hereinafter prescribed; an assessor, who shall be a resident freeholder of the town of Rehoboth, for the term
Collector.	of one year, with duties as hereinafter prescribed; a collector, who shall be a resident freeholder of the said town of Rehoboth, for the term of one year, with duties as herein-
Inspector.	after prescribed; an inspector for the term of one year, and two judges of election for the term of one year, whose duties are hereinafter prescribed. The said election shall be held
Who shall hold election.	by the Inspector and the two Judges of election elected at the annual election at Rehoboth in the year 1910 under the provisions of Chapter 432, Volume 22, Laws of Delaware.
Election to be held in July 1912.	That at the election to be held on the second Saturday in July A. D. 1912 there shall be elected three Commissioners for the term of two years or until their successors are duly
What officers shall be elected.	elcted and qualified, said three commissioners to be elected to succeed the three commissioners whose term will expire, under the provisions of this Act, at noon on the first Saturday in August in the year 1912, and thereafter their successors shall be elected for the term of two years; one commissioner for the term of one year or until his successor is duly
Mayor elected annually.	elected and qualified, who shall be a bona fide resident of the town of Rehoboth and who shall have the title of Mayor of Rehoboth with duties as hereinafter prescribed, and who shall also be President of The Commissioners of Rehoboth; three auditors of accounts to serve for the term of one year or until their successors are duly elected and qualified; an assessor, who shall be a resident freeholder of the town of Rehoboth, for the term of one year; a collector, who shall be a resident freeholder of the said town of Rehoboth for the term of one year; an inspector for the term of one year; and two judges of election for the term of one year, and thereafter the three auditors of accounts, the assessor, the collector, the inspector and the two judges of election shall be elected annually. The Commissioner with the title of Mayor, and President of the Board of Commissioners shall be elected annually.

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That thereafter on the second Saturday in July in each and every year, an election shall be held in the said town of Rehoboth at the usual place of voting or at such place as may be designated by the Commissioners, between the hours of twelve o'clock noon and four o'clock in the afternoon, at which election the voters of the town qualified as hereinafter provided shall elect successors to the commissioners whose term of office shall expire at noon on the first Saturday in August next succeeding said election. There shall also be elected three auditors of accounts to serve for one year and until their successors are duly elected and qualified; an assessor who shall be a resident freeholder to serve for one year and until his successor is duly elected and qualified; a collector, who shall be a resident freeholder to serve for one year and until his successor is duly elected and qualified; an inspector who shall be a resident freeholder to serve for one year and until his successor is duly elected and qualified; and two judges of election who shall be resident freeholders for one year and until their successors are duly elected and qualified. The said voters shall in like manner elect a Commissioner or Commissioners, for the unexpired term or terms of any Commissioner or Commissioners whose office shall have been rendered vacant in any manner whatsoever. Each Commissioner shall be at the time of his election and during his term of office a freeholder of the town and his ceasing to be a freeholder during his term shall ipso facto vacate his office. Four of said Commissioners shall be at the time of their election and during the term of office residents of the State of Delaware, two of whom shall reside within the corporate limits of the town of Rehoboth, and the Commissioner with the title of Mayor and President of the Commissioners shall be a bona fide resident of the town of Rehoboth. Removal from the State of any Commissioner required by the provisions of this Act to be a resident of the State shall ipso facto vacate said office; removal from the town of Rehoboth of the Commissioner with the title of Mayor, and President of the Commissioners of Rehoboth required by the provisions of this Act to be a bona fide resident of the town

Time of  
holding  
election.

Officers  
elected to  
serve one  
year.

Judges of  
election.

May fill  
vacancy.

Commis-  
sioners must  
be free-  
holders.

Four shall  
be residents  
of the State.  
Shall reside  
in the town.

Mayor shall  
be bona fide  
resident.

Removal  
shall vacate  
office.



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Commis-  
sioners shall  
fill vacancy  
until next  
annual  
election.

Public no-  
tice must  
be given.

Plurality  
shall elect.

Terms of  
office.

Who shall  
hold elec-  
tion.

Inspector  
shall receive  
vote.

Shall ascer-  
tain and  
certify vote.

of Rehoboth, shall ipso facto vacate said office. In the event of a vacancy in the office of a Commissioner during his term of office the Board of Commissioners or a majority of them for the time being shall appoint some freeholder of the town, with like qualifications, to fill such vacancy until the next annual election, and in the event of a vacancy in any office, elective or appointive, the Commissioners or a majority of them shall fill such vacancy until the next annual election by the appointment of a person with like qualifications. It shall be the duty of said Commissioners at least ten days before the day of holding any such election to give public notice of the fact by not less than five notices posted in five or more of the most conspicuous places in said town. At all elections a plurality of votes shall elect and in the event of a tie the Inspector shall cast the deciding vote. The terms of all Commissioners and all other officers elected and appointed under the provisions of this Act shall commence at noon on the first Saturday in August next succeeding their election.

Section 5. The said election shall be held by the Inspector and two judges who shall be elected from among the freeholders of the town of Rehoboth at the annual election preceding, but if one or both of said Judges be not present, then and in that event the Inspector shall appoint one or two as may be necessary to complete the election board, from among the freeholders present who shall act as judges of such election. The persons so chosen and elected as Inspector and Judges of election under the provisions of this Act shall be the judges of such election and shall decide all questions as to the legality of the votes offered and all matters in dispute. The said Inspector shall receive and deposit in the box provided for that purpose the votes cast at such election. Immediately upon the close of such election the said officers shall publicly ascertain the result of said election and certify thereto on the books of the Commissioners kept for that purpose and shall make and execute certificates of the result of such election, and deliver one of such certificates to the Commissioners and one to each of the Commissioners and officers

## OF CITIES AND TOWNS.

elected. If for any reason, the Inspector cannot serve, then Where Inspector cannot serve.  
 and in that event the legal voters there present shall proceed  
 by viva voce vote and elect any freeholder of said town of  
 Rehoboth, who may be present, to be the inspector to hold  
 the election. At any such election every person, male or fe-  
 male, above the age of twenty-one years, who shall have been Who is entitled to vote.  
 a freeholder in the said town of Rehoboth for a period of  
 three months immediately preceding said election, and  
 against whose property there shall be no unpaid tax,  
 whether a resident of the State of Delaware or not, shall  
 have one vote, and also every male person above the age of  
 twenty-one years who shall have been a resident of the State  
 of Delaware at least one year and a bona fide resident within  
 the corporate limits of the town of Rehoboth for at least  
 three months immediately preceding any such election, shall  
 have one vote, if all town taxes levied against such person  
 shall be paid at the time of any such election. All votes shall Shall vote in person.  
 be offered in person. In the event of objection to the vote of  
 any non-resident being received, the production of a duly Non-resident may vote by offering evidence of freeholder.  
 executed deed or lease bearing date at least three months  
 prior to the date of any such election, shall be conclusive evi-  
 dence that the person offering to vote is a freeholder, unless  
 evidence is produced to show that there is a subsequent deed  
 or that the person so attempting to vote is not the person  
 named in the deed or lease.

Section 6. The Commissioners of Rehoboth at noon on  
 the first Saturday in August next succeeding the town elec- Shall meet and organize.  
 tion in each and every year, shall meet for the purpose of or-  
 ganization, and shall then, or as soon thereafter as may be,  
 choose a Secretary from their own number to serve until the Secretary.  
 first meeting and organization of the Board of Commission-  
 ers after the next succeeding election. They shall also choose  
 an assistant secretary to serve as aforesaid, who may or may Assistant Secretary.  
 not be from among their own number. The compensation  
 of the Secretary or assistant Secretary shall be determined  
 by the Commissioners. The said Commissioners shall ap-  
 point a Treasurer for said town of Rehoboth who shall be a Treasurer.

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substantial freeholder of Lewes and Rehoboth Hundred or a corporation doing business therein.

Treasurer  
shall give  
bond.

The said Treasurer shall give such bond as shall be determined and approved by the Commissioners. It shall be the duty of the President of the Board of Commissioners to preside at the meetings of the said Commissioners and to have general supervision of the affairs of the said Town of Rehoboth, and the persons who may be employed by the said Commissioners. He shall receive all communications and complaints and present the same to the Board; he shall sign all deeds, leases and contracts made by the Board and all warrants on the Treasurer for the payment of any money; he shall be a member, ex-officio, of all committees and shall perform such other duties as may be prescribed by any ordinance or the by-laws adopted by said Commissioners; in the performance of his duties as President of The Commissioners of Rehoboth he shall be known and designated by the official title of President of The Commissioners of Rehoboth, and in executing any deed, lease, contract, warrant on the Treasurer, or other paper or instrument of writing necessary for him, as such President, to sign, he shall sign and execute as President.

Duties of  
Secretary.

The Secretary shall have charge and custody of the books, journals, records, papers, and other effects of the corporation and shall keep the same in a safe and secure place. He shall keep a full, complete and true record of all the transactions of the Board of Commissioners, and shall be ex-officio, member of all committees, and shall keep a record of the transactions and proceedings of the same, with such other duties as may be prescribed by the by-laws. He shall prepare, in conjunction with the Treasurer, an annual report of the financial condition of the town, showing the receipts and expenditures, and submit the same to the Board of Commissioners, which said report shall be open to the inspection of any freeholder of the town.

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The Treasurer shall have the custody of all funds and resources of the town, and his duties generally shall be prescribed by the Commissioners.

Duties of the Treasurer.

Section 7. The Board of Commissioners shall hold one regular meeting in each and every month, and at such other times as they may find necessary. All meetings shall be held in some public room in the Town of Rehoboth and shall be open at all times to any of the legal voters of the town.

Shall hold monthly meetings.

All of the books, records and journals of the corporation shall be kept in the custody of the Secretary in some secure place in the Town of Rehoboth, and, in the presence of the President, Secretary, Assistant Secretary, or any member of the Board of Commissioners, may be inspected by any freeholder desiring legitimate information at any such time as may be convenient.

Secretary to keep book and records.

Shall be open to inspection.

Section 8. That the unsold real estate within the limits of said Rehoboth shall continue to be vested in the Commissioners of said town, subject, however, to the liens thereon already existing, and the said Commissioners shall control and take charge of the same, and are hereby authorized and empowered to sell and dispose of the said unsold real estate, in such manner and upon such terms as they may deem advisable and advantageous, and to execute a good and sufficient deed or deeds in fee simple to the purchaser or purchasers for the same. To plot and lay out streets or avenues in, upon and through any unsold unplotted real estate.

Unsold real estate in control of Commissioners.

Authorized to sell and dispose of.

To plot and lay out streets, etc.

Section 9. That the said Commissioners of Rehoboth for the good government and welfare of said town, shall have power to make, establish, publish and modify, amend or repeal ordinances, rules, regulations and by-laws, for the following purposes: To prevent vice, drunkenness and immorality; to preserve peace and good order; to prevent and quell riots, disturbances and disorderly assemblages; to restrain and suppress disorderly and gaming houses, and houses of ill fame; all instruments and devices for gaming;

Power to make and establish ordinances, etc.

To prevent vice.

To prevent gambling, etc.

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To fix sum for licenses.	and to prohibit all gaming and fraudulent devices; to prohibit, restrain, and regulate all sports, exhibitions of natural or artificial curiosities, caravans of animals, theatrical exhibitions, circuses or other public performances and exhibitions for money, and fix the sum to be paid for such licenses to the town; to ascertain and establish the boundaries of all streets, avenues, highways, lanes and alleys, in said town and beach or beach strand in or contiguous to said town, and prevent and remove all encroachment on said streets, avenues, highways, lanes, alleys, beach or beach strand. To regulate, clean and keep in repair, the streets, highways, lanes and alleys, wharves and docks in said town, and to prevent and remove obstructions and incumbrances in and upon all streets, highways, sidewalks, cross walks, sewers, drains, aqueducts, water courses, wharves or docks, in any manner whatsoever; to prescribe the manner in which corporations or persons shall exercise any privilege granted to them in the use of any street, avenue, highway, or alley in said town, or in digging up any street, avenue, highway or alley for the purpose of laying down pipes, or any other purpose whatsoever, and to prohibit and prevent any such use or work at such times and seasons of the year as they may designate; to direct and regulate the planting, rearing, trimming and preserving of ornamental shade trees in the streets, avenues, parks, and grounds of said town, and to authorize or prohibit the removal or destruction of such trees, and to enforce the removal of snow, ice or dirt from the sidewalks and gutters by the owner or occupier of the premises fronting thereon; to level, grade, flag or reflag, curb or recurb, gutter or regutter, pave or repave, macadamize, gravel or shell the streets, highways and alleys of said town and the sidewalks and gutters thereof, or any of them, or any parts or sections of the same, and to prescribe the manner in which any such work shall be performed; to direct the digging down, draining, filling up or fencing of lots, pieces or parcels of ground in said town, which shall be deemed dangerous or unwholesome or necessary to carry out any improvement authorized
To keep in repair streets, etc.	
To regulate planting and trimming of trees.	
To pave streets, highways, etc.	
Draining, fencing, etc.	

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by this Act; to prescribe the manner in which said work shall be performed and to cause the expenses thereof to be assessed on such lots, tracts, pieces or parcels of ground, whether improved or unimproved, and to determine the time and manner in which such assessment shall be collected; to prevent or regulate the erection of any stoop, step, platform or bay window, cellar door, gate, area, descent into a cellar or basement, sign or any post or the erection of any projection or otherwise in, over or upon any street, sidewalk or avenue, and to remove the same where already erected, at the expense of the owner or occupant of the premises; to prevent and punish horse racing and immoderate driving or riding in any street, highway or strand, and to authorize the stopping and detention of any person who shall be guilty of immoderate driving or riding in any street, highway or strand; to prevent the driving of any drove or droves of horses, mules, cattle, sheep, or swine through any of the streets of the town, on the first day of the week, commonly called Sunday, and to regulate the same at other times; to regulate, protect, and improve the public grounds of said town; to provide lamps and to light the streets and public places of every description, in said town; to make and regulate wells, pumps, aqueducts and cisterns in the public streets; to establish and regulate one or more pounds and to restrain the running at large of horses, cattle, swine, goats and other animals, geese and other poultry, and to authorize the impounding and sale of the same for the penalty incurred, and the cost of keeping, impounding and sale; to regulate and prevent the running at large of dogs; to authorize the destruction of dogs running at large, and to impose taxes on the owners of dogs; to locate, regulate and remove slaughter houses and hog pens, privies and water closets; to prescribe and regulate the places of vending or exposing for sale wood, hay, straw, and other articles from wagons or other vehicles; to regulate or prohibit any practice having a tendency to frighten animals or to annoy persons in the streets, or on the sidewalks in said town; to restrain drunk-

To prevent the erection of obstructions upon street or highway.

Horse racing or immoderate driving.

Cattle, sheep, etc., in the streets.

Public lights or lamps.

Wells, pumps, etc.

Running at large of animals.

Dogs.

Slaughter houses, hog pens, etc.

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Drunkards,  
vagrants,  
etc.

May abate  
nuisances.

To regulate  
building.

Construction  
of chimneys.

May enter  
upon and  
inspect.

ards, vagrants, mendicants and street beggars; to prescribe the manner in which all contracts for performing work or furnishing materials for the town shall be made and executed; to abate or remove nuisances of all kinds, at the expense of those maintaining the same and to compel the owner or occupant of lot, house, building, shed, cellar or place wherein may be carried on any business or calling, or in or upon which there may exist, any manner or thing, which is or may be detrimental in the opinion of the Commissioners or local Board of Health to the health of the inhabitants of the town, to cleanse, remove or abate the same, under the direction of the Commissioners, as often as the said Commissioners or local Board of Health may deem necessary for the health of the inhabitants of the town; or in a summary manner to cause the same to be done at the expense and proper cost of such owner or occupant; and such owner or occupant is hereby expressly made liable for said costs and expenses, to be collected in such manner as the Commissioners may by ordinance direct, from such owner or occupant, in addition to any fine or penalty to which he or she may be liable for maintaining the said nuisance. To regulate and control the manner of building or removal of dwelling houses or other buildings and to provide for the granting of permits for the same. To establish a building line for buildings to be erected provided that such building line shall not be established more than ten feet back from the front line of the lots; to prohibit, within certain limits, to be from time to time prescribed by ordinance, the building or erecting of stables; to regulate the construction of chimneys, to compel the sweeping thereof, to prevent the setting up or construction of furnaces, stoves, boilers, ovens or other things in such manner as to be dangerous; to prohibit the deposit of ashes in unsafe places, to authorize any town officers or constables or person whom they may designate for that purpose, to enter upon and inspect any place or places for the purpose of ascertaining whether the same is or are in a safe condition; and if not, to direct or cause the

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same to be made so; to regulate or prohibit the carrying on of manufactories dangerous in causing or promoting fires; to regulate or prohibit the manufacture, sale or use of fireworks, and the use of firearms in said town; to regulate or prohibit the use of candles and lights in barns, stables and other buildings. To establish, regulate and control a suitable sewer and drainage system for the said town. Provided, however, that the Commissioners shall not have the authority to bond the town for this or any other purpose, without an Act of the General Assembly and a majority vote of voters of the town authorizing the same. To regulate or prohibit swimming or bathing in the ocean, or within waters within the limits of the town. They shall have the authority by ordinance, resolution or otherwise to enter into a contract with, or to grant franchises, concessions or rights to any person, firm, partnership or corporation who may apply for the use of any street, highway, avenue, lane, alley or beach strand for the purpose of constructing or operating a plant for the purpose of furnishing electric lights and power, gas or water to the said town or for the construction and operation of railways, steam, motor, electricity or other power, or for the construction and operation of sewers or other sanitary systems of drainage, or for the erection of wharves or piers. To make and establish such other ordinances, regulations, rules and by-laws, not contrary to the laws of this State or of the United States, as they, the said Commissioners may deem necessary to carry into effect the powers and duties imposed upon them by this Act or any other law of this State, and such also as they may deem necessary and proper for the good government, order, protection of person and property, and for the preservation of the public health and property of said town and its inhabitants.

Fireworks  
and firearms.

To regulate  
swimming  
or bathing.

May grant  
franchises  
or concessions.

May make  
such other  
ordinances  
as may be  
necessary.

Section 10. Should The Commissioners of Rehoboth desire to have vacated any street, avenue, highway, lane, alley or park, or any part thereof in the Town of Rehoboth, the said The Commissioners of Rehoboth shall prefer a petition to the Court of General Sessions in and for Sussex County,

Shall petition Court  
for vacating  
any street,  
etc.



## OF CITIES AND TOWNS.

Character of petition.	praying that the same shall be vacated. The said petition shall set forth with particularity the street, avenue, highway, lane, alley or park, or any part thereof, desired to be vacated and shall be signed by the corporate name of The Commissioners of Rehoboth by the President, attested by the Secretary, with the corporate seal thereto affixed. Upon such petition being preferred the Court of General Sessions shall make an order appointing five suitable persons to view the said street, avenue, highway, lane, alley, or park, or any part thereof, desired to be vacated, and make return to the said Court on the first day of the next succeeding term thereof. In an order made out on a petition for vacating a street, avenue, highway, lane, alley, or park, or any part thereof, under the provisions of this Act, the direction shall be, that if they judge such street, avenue, highway, lane, alley, or park, or any part thereof, to be unnecessary and that it ought to be vacated, they shall so report in their return to the Court, and in making the order of confirmation of such return the Court shall make an order vacating any such street, avenue, highway, lane, alley, or park, or any part thereof, so reported in said return as unnecessary, and upon such order being made shall become and be the property of The Commissioners of Rehoboth and shall by them be taken in possession, and the said The Commissioners of Rehoboth shall have full power and authority to dispose of same by deed, lease or otherwise as they may deem best. And when any such street, avenue, highway, lane, alley, or park, or any part thereof, shall have been vacated as aforesaid, any person sustaining injury thereby may apply to the Court of General Sessions in and for Sussex County at the term to which said return is made, or the next succeeding term, to appoint three disinterested and impartial persons to value the damages which he has sustained, and the damages so assessed shall be paid by The Commissioners of Rehoboth aforesaid before said street, avenue, highway, lane, alley, or park, or any part thereof, so vacated shall be closed up or obstructed. The costs on all proceedings to vacate shall be
Court may appoint five persons.	
Shall report to the Court.	
Damages may be assessed how.	
Costs of proceedings.	

## OF CITIES AND TOWNS.

paid by The Commissioners of Rehoboth, and in all applications for the appointment of Commission to value damages the person or persons so making application shall pay the costs of the proceedings unless damages are awarded, in which case the costs shall be paid by The Commissioners of Rehoboth.

Section 11. The said Commissioners may fix and prescribe fines and penalties not over Twenty Dollars, for the violation of any authorized town ordinance and any person violating any such ordinance shall upon conviction of the offence before the Mayor or any Justice of the Peace within the County be fined the amount so prescribed, and upon failure to pay such fine, be committed to the town lockup or county jail for not more than five days; all fines and penalties shall be paid to the Treasurer of the town.

Fines and penalties.  
Not over \$20.

Failure to pay fine.

Section 12. That the said The Commissioners of Rehoboth be and they are hereby authorized and required, upon the written petition of five or more substantial freeholders of said town, to direct in writing, the owner or owners of any house or land in Rehoboth before, along, in front of or adjoining which they may deem proper that a pavement should be laid, to curb and lay a pavement, or either or both, of brick or smooth stones or cement, as the Commissioners may direct, of such length and width as the said Commissioners may specify.

May require owners to lay pavements.

In the event of any owner neglecting or refusing to comply with said notice for the space of three months, the said Commissioners may proceed to have the same done, and when done, the Collector of the said town shall, as soon as convenient thereafter, present to the owner or owners of said lands a bill, showing the expense of such paving or curbing, or either, or both; if such owner or owners shall not reside in the town of Rehoboth, such bill may be presented to the occupier or tenant of such land, or, if there be no occupier or tenant resident in said Town of Rehoboth, such bill may be sent by mail to such owner or owners, directed to

In case of neglect or refusal to comply.

## OF CITIES AND TOWNS.

him, her or them at the postoffice nearest his, her or their residence. If such bill be not paid by the owner or owners of such lands within thirty days after the presentation of the same as aforesaid, then it shall be the duty of said Commissioners to issue a warrant, in the name of The Commissioners of Rehoboth, under the hand of the President, attested by the Secretary, and under the seal of the corporation, directed to the Collector of The Commissioners of Rehoboth, commanding him that of the goods and chattels, lands and tenements of such owner or owners he shall cause to be levied and made the amount of said bill, together with all costs. It shall be the duty of said Collector, as soon as convenient after the said warrant shall be delivered to him, and after ten days' notice to the owner or owners of such lands, and after posting five or more notices of sale in a least five public places in the town of Rehoboth at least ten days before the day of sale, to sell the goods and chattels of such owner or owners at public auction, or so much thereof as may be necessary to pay the amount of said bill, with all costs. If no goods and chattels of such owner or owners can be found within said town sufficient to satisfy the amount of said bill with all costs, then it shall be the duty of the said Collector, after ten days' notice to such owner or owners aforesaid, and after posting five or more notices of sale in at least five public places in the Town of Rehoboth for at least ten days before the day of sale, to sell the lands and tenements of such owner or owners before, along, in front of or adjoining which such paving and curbing, or either or both, have been done, or so much of said lands and tenements as may be sufficient to satisfy the amount of said bill, with all costs, and a deed from The Commissioners of Rehoboth, signed by the President and attested by the Secretary under the corporate seal of The Commissioners of Rehoboth, shall convey to the purchaser or purchasers of such lands and tenements as full and complete title, in fee simple or otherwise, as if the same were executed by the owner or owners thereof.

If bill be not  
paid in  
thirty days.

May sell  
goods and  
chattels  
after public  
notice given.

If no goods  
and chattels  
are found,  
may sell  
lands and  
tenements.

Authorized  
to make a  
full and  
complete  
deed.

## OF CITIES AND TOWNS.

The Commissioners of Rehoboth are hereby authorized and empowered to employ a person to bid for them at any such sale and in case where the person so employed shall be the highest bidder, the deed for said lands shall be executed by the Collector effecting said sale, to said The Commissioners of Rehoboth.

May employ person to bid.

Collector may make deed.

The claim for paving and curbing, or either or both, with interest on the same from the date of completion of the improvements, shall be a lien on the premises before, along, in front of or adjoining which the said work was done, and shall have priority over any lien incumbrance or conveyance after the completion of the said improvements; provided that within thirty days after the completion of said improvements a certificate, under the corporate seal of said Commissioners, signed by the President, and attested by the Secretary, setting forth the amount of the bill, the date of the completion of the improvements and a description of the property effected by said lien, with the name or names of the owner or owners, shall be recorded in the mortgage records, in the office of the Recorder of Deeds at Georgetown, in and for Sussex County; and the record of each certificate shall be evidence in all courts of law or equity in this State.

Claim shall be a lien on the premises.

Shall be recorded within thirty days.

Any such lien heretofore acquired shall be continued, provided that a certificate as above described shall be recorded in the said office of the Recorder of Deeds within ninety days after the approval of this Act.

Lien heretofore acquired may be continued.

From the proceeds of the sale of the goods and chattels or lands and tenements, sold as aforesaid, it shall be the duty of the Collector aforesaid to pay all costs arising from the sale to the parties entitled thereto, and to retain for the use of the said town the amount of the said bill as aforesaid, and the residue thereof, if any, shall be deposited in any bank in Sussex County, Delaware, to the credit of said owner or owners.

How proceeds of sale shall be disposed of.

## OF CITIES AND TOWNS.

Subject to  
any lien or  
incum-  
brance.

Lands and tenements sold as aforesaid shall be sold subject to any lien or incumbrance suffered or made by the owner or owners thereof before the completion of said improvements.

What Col-  
lector shall  
be entitled  
to.

The Collector aforesaid shall be entitled to receive two dollars for every sale of personal property under this Section, and five dollar for every sale of real estate under this Section together with such additional sum as may be reasonable and proper for the keeping, taking care of, advertising and selling such personal property, and for advertising and selling such real estate, all of which shall be part of the costs to be paid out of the purchase money as aforesaid. Any notice required by this Section to one co-owner shall be notice to all, and in case no owner shall reside in the said town, notice served upon the occupier or tenant of such property shall be sufficient; or if there be no owner, occupier or tenant of said premises in said town, it shall be sufficient to send notice by registered mail to any owner of said premises directed to him or her at the postoffice nearest his or her place of residence.

What shall  
constitute  
notice.

Shall apply  
to pave-  
ments here-  
before made.

The provisions contained in this Section shall apply to any order made by the Commissioners of said town in respect to any pavement, sidewalk or curb heretofore made or done which the said Commissioners may deem insufficient or to need repairing.

Expenses  
against  
dower lands  
to be paid by  
owner of re-  
version.

If any lot or lots, house or houses, on any of the streets of said Town of Rehoboth shall be held or owned by any widow or widows as and for her or their dower, or any tenant for life, such expenses incurred as aforesaid for the lot or lots, house or houses so held, shall be paid by the owner or owners of the reversion in fee simple; and if such owner or owners be a minor or minors at the time of such expense being incurred, then the same shall be paid by the guardian or guardians, agent or agents acting for such minor or minors, out of any money or effects of such minor or minors, and a receipt therefor to such guardian or agent shall be sufficient

Expenses  
against mi-  
nor's land:  
payment of.

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evidence of such payment and shall be allowed in his or her guardian's or agent's account and if not paid by the guardian or agent as aforesaid, on the presentation of the bill, the same shall remain on interest from the day of the presentation and be a lien against such lot and improvement until paid. All subsequent repairs named in this Act to be kept up at the expense of the said tenant in dower or other life tenant. The said The Commissioners of Rehoboth in addition to the provisions of this Section hereinbefore contained, shall have the power and authority to enforce by ordinance all the requirements of this Section by imposing such fines and penalties as shall, in the judgment of said Commissioners, be necessary and proper.

Repairs to be kept up tenant in dower or other life tenant.  
Further power of Commissioners.

Provided, however, that the provisions of this Section shall not apply to that portion of the town west of the east edge of Second Street except Rehoboth Avenue, and it is hereby expressly provided that the provisions of this Section shall apply to Rehoboth Avenue east of the east edge of Fourth Street.

Not to apply to certain portion of town.

The receipt of the Registry Receipt for such registered letter shall be conclusive evidence that such notice has been received by the person to whom it was mailed.

Evidence of the receipt of notice.

Section 13. That the said The Commissioners of Rehoboth be and they are hereby authorized and empowered, for the purpose of improvement and current expenses only, to levy and collect a tax, not exceeding in any one year four thousand dollars on the assessed valuation of all the real estate within the limits of said corporation, except land of said town. All taxes shall be levied, assessed and raised on the real estate in just and equal proportions. Provided, however, that nothing herein contained shall be construed to repeal or modify the provisions of Section 3 of Chapter 767 of Volume 19, of the Laws of Delaware as amended by Chapter 110 of Volume 20 of said Laws, exempting certain buildings and improvements from taxation. There shall also be levied and collected, in the same manner as taxes against real es-

Authorized to levy a tax.

Tax on real estate.

## OF CITIES AND TOWNS.

Per capita tax on male citizens.     tate a per capita tax upon the male citizens of the town above the age of twenty-one years, as well those owning as those not owning real estate within the limits of said town ;

Female residents taxed.     also upon all female residents of the town, above the age of twenty-one years, who own real estate within the limits of

Non-resident owners of both sexes taxed.     said town ; and also upon all non-resident owners of real estate within the limits of said town, both male and female above the age of twenty-one years, which said per capita tax shall not exceed in any one year the sum of one dollar for each person so assessed.

Assessor to make an assessment when.     Section 14. The Assessor elected at the town election at Rehoboth in the year 1910 shall, prior to the first Monday in June A. D. 1911, make a just, true and impartial valuation or assessment of all the real estate within said town, also an assessment of all the male citizens of said town above the

Who shall be assessed.     age of twenty-one years, as well those owning as those not owning real estate within the limits of said town ; the said Assessor in making the assessment shall assess every male citizen resident of the said town, above the age of twenty-one years, every female resident of said town, above the age of twenty-one years, who owns real estate within the limits of said town, and every non-resident owner of real estate within the limits of said town, both male and female, above the age of twenty-one years, not exceeding one dollar per capita, the amount to be assessed to be determined by the

Amount to be determined.     Commissioners and certified to the Assessor, the said per capita assessed against resident female real estate owners and non-resident male and female real estate owners to be in addition to the assessment of the real estate so owned by and assessed against them ; the said Assessor, after making said assessment, shall, on the first Monday of June aforesaid, deliver to the said Commissioners a list containing the names of all the persons assessed and the amount of the assessment against each, distinguishing the real and personal assessment of each. The said list shall be so arranged that the land, the improvements thereon and the per capita assessments shall appear in separate columns or spaces, and

When assessment shall be delivered.

How the list shall be arranged.

## OF CITIES AND TOWNS.

the Assessor in making the assessment shall make his valuation accordingly. The said Commissioners shall assess the real etate and person of the Assessor. The said Assessor before entering upon his duties shall be sworn or affirmed by some person authorized by the laws of this State to administer oaths, diligently, faithfully and impartially to perform the duties herein prescribed, to the best of his knowledge, ability and judgment. His compensation shall be fixed and determined by the said Commissioners.

Commissioners to assess the Assessor.

Assessor shall be sworn or affirmed.

Compensation to be fixed.

Thereafter the Assessor who shall be elected as provided by this Act, shall, between the date of his election, and the first Monday of June succeeding his said election, make a just, true and impartial valuation or assessment of all the real estate within the said town; also an assessment of all the male citizens of said town above the age of twenty-one years as well those owning as those not owning real estate within the limits of said town; the said Assessor in making the assessment shall assess every male citizen resident of the said town above the age of twenty-one years, every female resident of said town, above the age of twenty-one years, who owns real estate within the limits of said town, and every non-resident owner of real estate within the limits of said town, both male and female, above the age of twenty-one years, not exceeding one dollar per capita, the amount to be assessed to be determined by the Commissioners and certified to the Assessor, the said per capita assessed against resident female real estate owners and non-resident male and female real estate owners to be in addition to the assessment of the real estate so owned by and assessed against them; the said Assessor, after making said assessment, shall, on the first Monday of June aforesaid, deliver to the said Commissioners a list containing the names of all the persons assessed and the amount of the assessment against each, distinguishing the real and peronal assessment of each. The said list shall be so arranged that the land, the improvements thereon and the per capita assessments shall appear in separate columns or spaces, and the Assesor in making

Assessor who shall hereafter be elected.

Who shall be assessed.

Per capita tax.

How list shall be arranged.



## OF CITIES AND TOWNS.

the assessment shall make his valuation accordingly. The said Commissioners shall assess the real estate and person of the Assessor. The said Assessor before entering upon his duties shall be sworn or affirmed by some person authorized by the laws of this State to administer oaths, diligently, faithfully and impartially to perform the duties herein prescribed, to the best of his knowledge, ability and judgment. His compensation shall be fixed and determined by the said Commissioners.

Shall make oath.

Compensation to be fixed.

Transcript of duplicate; where to be hung up. How long.

Notice.

Appeal.

To be final and conclusive.

Commissioner shall not sit on his own appeal.

Shall levy a tax not to exceed \$1000.

Section 15. The Commissioners, immediately upon receiving the duplicate from the Assessor shall cause a full and complete transcript of the same containing the amount assessed to each taxable, to be hung up in a public place in the said town and there to remain for at least ten days for public inspection. There shall be a notice appended thereto, and also additional notices posted in five or more public places in said town giving notice that upon a certain day mentioned therein, and not earlier than ten days after the date of posting said list and notices, between the hours of one o'clock P. M. and five o'clock P. M. that the Commissioners will hold a Court of Appeals, when they shall hear appeals from said assessment. The decision of the said Commissioners, sitting as a Court of Appeals, shall be final and conclusive, and said Commissioners shall revise and complete said assessment at this sitting. No commissioner shall sit upon his own appeal but the same shall be heard and determined by the other Commissioners.

The said Commissioners at the first regular meeting in July, having the revised and completed assessment, after having ascertained and determined, according to their best judgment and knowledge, the amount necessary to be raised in the said town for the year, for the purposes mentioned in this Act, shall levy a tax upon the whole valuation and assessment that will raise this amount, which said amount shall not exceed the sum of four thousand dollars in any one year.

## OF CITIES AND TOWNS.

The said Commissioners shall at once make or cause to be made a full, true and correct list of the assessment and the amount of tax against each taxable thereon and place the same or a duplicate thereof in the hands of the collector, who shall immediately proceed to collect the same, as hereinafter provided.

Duplicate to  
be given  
Collector.

Section 16. The collector as soon as the Commissioners aforesaid shall place in his hands the duplicate tax list, shall at once proceed to collect the taxes on said list or duplicate, and in the collection of the same shall have the same powers as are given by law to the Collectors of County and school taxes. The said Collector shall by public notice designate some place in Rehoboth where he will sit at least one day in each week during the months of July and August in each and every year for the purpose of receiving taxes. In the collection of said taxes the said Collector shall deduct five per centum from the amount of the tax assessed against the person or property of any person who pays said tax on or before the first day of September next succeeding the delivery of the tax duplicate to the Collector; likewise he shall deduct four per centum from the amount of the tax assessed against the person or property of any person who pays such tax on or before the first day of October, next succeeding the delivery of the tax duplicate to the Collector; on all taxes paid after the first day of October and before the first day of January next succeeding the delivery of the tax duplicate to the Collector there shall be no deduction or abatement; on all taxes paid after the first day of January next succeeding the delivery of the tax duplicate to the Collector there shall be added an amount equal to one per centum per month for each and every month such taxes shall remain unpaid, and shall be collected in the same manner as the original amount of the tax. The Collector aforesaid, being herein given the same powers as are given by law to the collectors of county and school taxes, shall be entitled to receive one dollar for every sale of personal property made by him in the exercise of said powers for the enforcement of the payment of taxes,

Powers of  
the Collector.

Notice of  
place of sit-  
ting.

May deduct  
five per cent.

May deduct  
four per  
cent.

Per cent.  
added.

Shall receive  
one dollar  
for sale of  
personal  
property.

## OF CITIES AND TOWNS.

Additional sum, with such additional sum as may be reasonable and proper for the keeping, taking care of, advertising and selling such personal property, all of which shall be part of the costs to be paid out of the purchase money realized from the sale of such personal property so sold for taxes; and shall be entitled to receive five dollars for every sale of real estate made by him in the exercise of said powers for the enforcement of the payment of taxes, with such additional sum as may be reasonable and proper for the services of counsel in preparing and presenting to the court his petition for an order for the sale of such real estate and the return of the sale thereof to the court, and for advertising and selling such real estate, all of which shall be part of the costs to be paid out of the purchase money realized from the sale of such real estate so sold for taxes. The said Collector, before entering into and upon the duties of his office, shall give bond with sufficient surety to the said The Commissioners of Rehoboth, to be by them approved, in a sum at least double the amount of the list or duplicate placed in his hands, in case personal surety is offered and approved and in a sum equal to the amount of the list or duplicate placed in his hands in case corporate surety is offered and approved, condition for the faithful discharge of the duties imposed on him and for the collection of all taxes, rates and other moneys committed to him, and for the payment by him of the amount of all such taxes, rates and moneys excepting only so far as allowances shall be made to him by the said Commissioners for delinquencies, commissions or otherwise, to the officer or officers authorized and appointed by the said Commissioners for the purpose at such times as the Commissioners shall appoint.

Compensation, The said Collector shall receive such reasonable compensation for his services as shall be determined by said Commissioners.

Duty of the Auditors. Section 17. It shall be the duty of the Auditors of said town to meet the Commissioners and Treasurer on the second Saturday in June annually, and then and there to audit and examine the accounts, vouchers and books of the said

## OF CITIES AND TOWNS.

Commissioners and Treasurer and Collector, and record the result of said examination in a book to be furnished by the said Commissioners for that purpose, and shall make and exhibit a report of the financial condition and status of said town to be hung up in some public place in said town within ten days after said meeting. The compensation of the said Auditors shall be fixed and determined by The Commissioners of Rehoboth. Compensation of Auditors.

Section 18. The said Commissioners may appoint such number of local constables as shall be deemed necessary, who shall constitute the town police. Town police.

And it shall and may be lawful for the said Commissioners to keep and maintain a suitable place as a lockup or jail for the use of said Town of Rehoboth, and the Mayor, or Justice of the Peace, acting under the provisions of this Act, or carrying into effect any judgment or sentence pronounced under its authority or by virtue of any ordinance or regulation adopted by virtue of the power conferred by this Act may commit to the lockup or jail for any time not exceeding five days. May keep and maintain a lockup, or jail.

Section 19. That the said Commissioners or a majority of them shall have the authority to use the money in the treasury of said town, for the general improvement, benefit and ornament of said town, as they or a majority of them, may deem advisable and proper, but the said Treasurer shall pay out no money except upon the written order of the Commissioners or a majority of them. If any person or persons shall wilfully cut and tear down any wire or wire fence belonging to the said Town of Rehoboth, or shall maliciously injure or destroy any of the property of the said town, he shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than ten nor more than one hundred dollars. May use money for general improvement. Treasurer shall pay only on written order. Fine for malicious conduct.

Section 20. That the person elected Mayor as aforesaid of said town shall have within its limits all the powers, Mayor to have Justice of the Peace powers.

## OF CITIES AND TOWNS.

authority, jurisdiction and cognizance of a Justice of the Peace of and over all breaches of the peace and other offences within said town; to arrest and to hold to bail, or fine and imprison all offenders; and of and over all fines, forfeitures and penalties which may be prescribed by any law of the State or by any ordinance of the Board of Commissioners, regularly passed, published and established for the government of the said town; and of and over all neglects, omissions and defaults of the town constables or bailiff, assessor, collector or treasurer or any other person or officer whose duty it may be to collect, receive, pay over, or account for any moneys belonging to said town or to execute or obey any law or ordinance thereof; provided that he shall not impose any fine exceeding twenty dollars, nor have jurisdiction in any civil matter other than to carry out the provisions of this Act or the rules and regulations of said town by the officers authorized to adopt the same under this Act. In the performance of his duties as Mayor, as prescribed by this Act, he shall be known and designated by the official title of Mayor of Rehoboth, and in issuing any warrant, summons, commitment or other process necessary for him, as such Mayor, to sign, he shall sign as Mayor of Rehoboth.

Shall not impose fine exceeding \$20.

No civil jurisdiction.

Official title of Mayor.

Fees of the Mayor.

Mayor's Docket.

Shall deliver to successor.

Levy Court directed to appropriate \$600.

The fees of said Mayor shall be the same as are allowed Justices of the Peace for similar services under the laws of this State. It shall be the duty of the Mayor to keep a book of record or docket, to be called the Mayor's Docket of Rehoboth, to be provided by the Commissioners aforesaid, in which all the official acts of the Mayor shall be entered and upon the expiration of his term the said Mayor shall deliver to his successor within three days, all the books, papers, records and dockets pertaining to said office.

Section 21. That the Levy Court of Sussex County be and they are hereby directed, in making the appropriation of the road tax to be expended on the roads annually, to make an order for the payment to The Commissioners of Rehoboth

## OF CITIES AND TOWNS.

of the sum of six hundred dollars to be by them expended in repairing and maintaining in proper order the roads, streets, avenues, walks, lanes, alleys, bridges, and squares within the limits of said town, and the said Commissioners shall have the sole supervision of said roads, streets, avenues, walks, lanes, alleys, bridges and squares, provided that the said Levy Court shall not make the appropriation of said sum until the said Commissioners of Rehoboth shall have certified that an equal sum has been expended during the preceding year for the purpose aforesaid.

Shall certify  
that an  
equal sum  
has been  
expended.

Section 22. The Commissioners of Rehoboth may by an ordinance enacted at any regular monthly meeting thereof, or by a special resolution adopted release, relieve and exonerate, for a period not exceeding ten years, the building or buildings, fixtures, machinery, implements, tools and other necessary property of any person or persons, firm, partnership, or corporation, used in the erection, maintenance or operation of any hotel, apartment house or public building from any assessment for tax for town purposes or other tax over which the said Commissioners have jurisdiction or control, and from the payment of the same.

May exempt  
from taxa-  
tion.

No property shall be exempt from taxation aforesaid until such ordinance is enacted, or special resolution is adopted nor shall the said Commissioners enact any such ordinance or resolution until it shall be clearly shown to them that the first and original cost of such building shall have exceeded ten thousand dollars.

Not exempt  
until ordi-  
nance is  
passed.

Cost of  
building to  
exceed  
\$10,000.

Section 23. This Act shall not be construed to repeal any former acts in relation to the town or The Commissioners of Rehoboth unless the same are manifestly inconsistent with this Act, and all existing by-laws, ordinances, rules, regulations, and resolutions of the Commissioners of Rehoboth not inconsistent with the provisions of this Act shall remain in force until repealed or modified by The Commissioners of Rehoboth.

Not con-  
strued to re-  
peal any  
former acts.

## OF CITIES AND TOWNS.

Section 24. This Act shall be deemed and taken to be a public Act.

Approved March 15, A. D. 1911.

## OF CITIES AND TOWNS.

## CHAPTER 241.

## OF CITIES AND TOWNS.

AN ACT to Reincorporate the Town of Selbyville.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of all the members elected to each branch of the Legislature concurring therein) :*

Section 1. That John G. Townsend, Jr., William R. McCabe, William B. Derrickson, Caleb L. McCabe, and Dennard W. Campbell, be and they are hereby Commissioners for the Town of Selbyville, and shall remain in office until the time for which they were elected shall have expired, or until their successors shall have been duly elected.

Section 2. That the Commissioners named in Section 1 and their successors in office be chosen as hereinafter provided shall be a body politic and corporate, in fact and in law, by the name of "The Commissioners of the Town of Selbyville," and shall have a common seal and may sue and be sued by that name.

Section 3. That the Commissioners herein named shall continue in office as follows: John G. Townsend, Jr., William R. McCabe and William B. Derrickson term of office shall expire at the next annual meeting, which shall be the first Saturday in March A. D. 1911, and Caleb L. McCabe and Dennard W. Campbell term of office shall expire on the first Saturday in March A. D. 1912.

Section 4. That on the first Saturday in March in the year 1911 and on the first Saturday in March in each year thereafter an election shall be held in the said Town of Selbyville, at such place as may be designated by the Commissioners, between the hours of one o'clock and four o'clock in



## OF CITIES AND TOWNS.

the afternoon at which election the voters of the Town qualified as hereinafter provided, shall elect Commissioners for the term of two years to succeed those whose term expires.

Vacancies.

If any vacancies shall occur in said Commissioners by death, resignation, refusal to serve or otherwise, the remaining Commissioners shall have power to fill such vacancies until the ensuing annual election, at which time such vacancies shall be filled by election of Commissioners to fill out the unexpired term or terms of the Commissioners in whose stead they shall be elected.

All Commissioners shall remain in office until their successors are duly elected.

Public notice of elections.

It shall be the duty of said Commissioners at least twenty days before the day of holding any such election, to give public notice of the fact and of the place of holding such election by not less than five printed or written notices, posted in five or more of the most conspicuous places in said Town, but failure to do so shall not prevent said election from being held.

Commissioner to be a freeholder.

No person shall be elected Commissioner who is not the owner in fee simple of real estate in said Town at the time of his election, and who has not been such freeholder for at least thirty days before the date of his election.

Plurality to elect.

At all annual elections a plurality of votes cast shall elect.

Who shall hold election.

Section 5. The said election shall be held by an inspector and two judges who shall be elected from among the freeholders on the day of the annual election by the voters present.

The said persons so chosen shall be judges of said election and shall decide the legality of the votes offered and all other matters of dispute. The said inspector shall receive and deposit in a box provided for that purpose the votes cast at such election and whenever the said Judges are unable to

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agree concerning any matter of dispute the said inspector shall decide the same. The said officers shall publicly ascertain the result of the said election and certify thereto on the books of the Commissioners kept for that purpose.

At such election every male person of said Town above the age of twenty-one years who has been a resident of said Town for six months previous to said election and who has paid all Town Taxes assessed against him shall be entitled to a vote.

Section 6. The said Commissioners named in this Act at their first meeting and the Commissioners to be elected to succeed them, and their successors at the first meeting after each election, or as soon thereafter as may be, shall choose a President, from their own number and a Secretary and Treasurer, to serve during the pleasure of such Commissioners. The said secretary and treasurer may be one and the same person and shall receive such compensation as shall be fixed by the Commissioners. The said Treasurer shall give such bond as shall be determined and as shall be approved by said Commissioners. The said Commissioners shall also appoint a collector to collect the taxes that shall be assessed during the current year. If a vacancy shall occur in the office of collector the Commissioners shall appoint some person qualified as aforesaid to collect the uncollected taxes, and if a vacancy shall occur in the office of any officer appointed by the Commissioners, the said Commissioners shall fill such vacancy for the unexpired term. It shall be the duty of the president to preside at the meetings of the said Commissioners and to have the general supervision of the affairs of said Town and of the persons who may be employed by the said Commissioners to receive the complaints of nuisance and violation of laws and ordinances and present the same to the said Commissioners at the next meeting for their action; he shall sign all warrants on the treasurer for the payment of any moneys, and shall perform such other duties as may be prescribed by any ordinance or the by-laws adopted by said

Who may vote.

Officers to be chosen.

Compensation.

Treasurer to give bond.

Collector.

Vacancies.

Duties of the President.

## OF CITIES AND TOWNS.

Secretary. Commissioners. The duties of said secretary shall be such as are prescribed by the by-laws, but, in conjunction with the said treasurer an annual report of the financial condition of said town shall be prepared, showing the receipts and expenditures, and submitted to the said Commissioners, which said report shall be open to the inspection of any freeholder of said town. The treasurer shall have the custody of all funds and resources of the town and his duties generally shall be prescribed by the Commissioners. A majority of said Commissioners shall constitute a quorum and may transact any business and perform any duties that may come before them or which is imposed on them by this Act.

Treasurer.

Quorum.

Time and place of meeting. Section 7. The said Commissioners shall provide for regular and special meetings of the Board and shall prescribe the time and place of such meetings, and the manner of calling the same. The meetings of the Board shall be held in the town of Selbyville.

To have oversight of roads, streets, etc. Section 8. That the said president and Commissioners shall have the superintendence and oversight of all roads, streets, lanes, alleys and waterways, now open or hereafter to be opened, within the limits of said town, and have the naming of same, and no overseer of such road or street shall be appointed by the Levy Court of Sussex County, but the said Levy Court shall annually appropriate the sum of five hundred dollars, provided that the said Levy Court shall not make the appropriation of said sum until The Commissioners of the Town of Selbyville shall have certified that an equal sum has been expended during the preceding year for the purpose aforesaid.

Levy Court to appropriate.

Power to make amend and repeal ordinances. Section 9. That the said Commissioners for the good government and welfare of said town, shall have power to make, establish, publish and modify, amend or repeal ordinances, rules, regulations and by-laws for the following purposes: To prevent vice, drunkenness and immorality; to preserve peace and good order; to prevent and quell riots, disturbances and disorderly assemblages; to restrain and

Purposes of ordinances.

## OF CITIES AND TOWNS.

suppress disorderly and gaming houses and houses of ill fame; all instruments and devices for gaming; and to prevent all gaming and fraudulent devices; to prohibit, restrain and regulate all sports, exhibitions, of natural or artificial curiosities, caravans of animals, theatrical exhibitions, circuses or other public performances and exhibitions for money, and fix the sum to be paid for such licenses to the town; to ascertain and establish the boundaries of all streets, avenues, highways, lanes and alleys in said town and prevent and remove all encroachments on said streets, avenues, highways, lanes, alleys; to regulate, clean and keep in repair the streets, highways, lanes and alleys in said town, and to prevent and remove obstructions and incumbrances in and upon all streets, highways, sidewalks, crosswalks, sewers, drains, aqueducts, water courses, in any manner whatsoever, to prescribe the manner in which corporations or persons shall exercise any privilege granted to them in the use of any street, avenue, highway, or alley of said town, or in digging up any street, avenue, highway or alley for the purpose of laying down pipes, or any other purpose whatsoever, and to prohibit and prevent any such use or work at such times and seasons of the year as they may designate; to direct and regulate the planting, rearing, trimming and preserving of ornamental shade trees in the streets, avenues, parks and grounds of said town, and to authorize or prohibit the removal or destruction of such shade trees, and to enforce the removal of snow, ice or dirt from the sidewalks and gutters by the owner or occupants of the premises fronting thereon; to level, grade, flag, or re-flag, curb or re-curb gutter or re-gutter, pave or re-pave, macadamize, gravel or shell the streets, highways, and alleys of said town, and the sidewalks and gutters thereof, or any of them, or any part or section of the same, and to prescribe the manner in which any such work shall be performed. To direct the digging down, draining, filling up, or fencing of lots, pieces or parcels of ground in said town, which shall be deemed dangerous and unwholesome or necessary to carry out any improvements authorized

Licenses.

Obstructions upon streets, sidewalks, etc.

Shade trees.

To pave and shell streets and highways.

## OF CITIES AND TOWNS.

by this Act; to prescribe the manner in which said work shall be performed and to cause the expenses thereof to be assessed on such lots, tracts, pieces or parcels of ground, and any other lots, pieces or parcels of ground owned by the same owner whether improved or unimproved, and to determine the time and manner in which such assessment shall be collected; to prevent or regulate the erection of any stoop, step, platform or bay window, cellar door, gate, area, descent into a cellar or basement, sign or any post or erection or any projection or otherwise, in, over and upon any street, sidewalk or avenue, and to remove the same where already erected, at the expense of the owner or occupant of the premises; to prevent and punish horse racing, and immoderate driving or riding in any street, highway, and to authorize the stopping and detention of any person who shall be guilty of immoderate driving or riding in any street or highway; to regulate, protect and improve the public grounds of said town; to make and regulate wells, pumps, aqueducts and cisterns in the public streets; to restrain the running at large of horses, cattle, swine, goats, and other animals; geese and other poultry, and to authorize the impounding and sale of the same, for the penalty incurred, and the cost of keeping, impounding and sale, to regulate or prohibit any practice having a tendency to frighten animals, or to annoy persons passing in the streets, or on the sidewalks of said town; to restrain drunkards, vagrants, mendicants and street beggars; to prescribe the manner in which all contracts for performing work or furnishing materials for the town shall be made and executed; to abate or remove nuisances of every kind, at the expense of those maintaining the same and to compel the owner or occupant of lot, house, building, shed, cellar or place wherein may be carried on any business or calling, or in or upon which there may exist, any matter or thing, which is or may be detrimental in the opinion of the Commissioners or local Board of Health, to the health of the inhabitants of the town, to cleanse, remove or abate the same, under the direction of the Commissioners, as

Horse racing.

Animals running at large.

Drunkards, vagrants, etc.

Nuisances.

## OF CITIES AND TOWNS.

often as the said Commissioners of the local Board of Health may deem necessary for the health of the inhabitants of the town; or in summary manner to cause the same to be done at the expense and proper cost of such owner or occupant; and such owner or occupant is hereby expressly made liable for said cost and expenses, to be collected in such manner as the Commissioners may by ordinance direct, from such owner or occupant, in addition to any fine or penalty to which he or she may be liable for maintaining the said nuisance. To regulate the construction of chimneys, to compel the sweeping thereof, to prevent the setting up or construction of furnaces, stoves, boilers, ovens or other things in such manner as to be dangerous, to prohibit the deposit of ashes in unsafe places, to authorize any town officer or constable, or person whom they may designate for that purpose, to enter upon and inspect any place or places for the purpose of ascertaining whether the same is or are in a safe condition, and if not, to direct or cause the same to be made so, to regulate or prohibit the carrying on of manufactories dangerous in causing or promoting fires, to regulate or prohibit the manufacture, sale or use of fire works, and the use of firearms in said town, to regulate or prohibit the use of candles in barns, stables and other buildings. To establish, regulate and control a suitable sewer and drainage system for said town. To make and establish such other ordinances, regulations, rules and by-laws, not contrary to the laws of the State or of the United States, as they, the said Commissioners, may deem necessary to carry into effect the powers and duties conferred and imposed upon them by this Act or any other law of this State, and such also as they may deem necessary and proper for the good government, order, and protection of persons and property, and for the preservation of the public health and property of said town and its inhabitants, also for their own government and meetings, and many change, alter and amend such ordinances, regulations, rules and by-laws from time to time as they may deem proper.

## OF CITIES AND TOWNS.

Fines and  
penalties.

Section 10. The said Commissioners may fix and prescribe fines and penalties not over Twenty Dollars, for the violation of any authorized town ordinance and any person violating any such ordinance, shall upon conviction of the offense before the Alderman or any Justice of the Peace within the County, be fined the amount so prescribed and upon failure to pay such fine, be committed to the town lock-up or county jail for not more than five days. All fines and penalties when collected shall be paid to the Treasurer of the Town.

Paving.

Section 11. That the Commissioners of said Town are authorized upon the written petition of five freeholders of the said Town to notify and direct, in writing, the owner or owners of any house or land in said Town before, along, in front of, or adjoining which they, the Commissioners, deem proper that a pavement should be made, to curb and lay a pavement, or either, of such material and of such length and width as the said Commissioners shall specify. Notice to one joint owner shall be notice to all, and in case the owner shall not reside in the town at the time notice to the occupant or tenant shall be deemed to be a sufficient notice. If there be no occupant or tenant residing in the town at the time such notice may be sent by mail to the owner directed to him, or her at the postoffice nearest his or her last known residence. If such owner shall neglect or refuse for the space of three months after being directed as aforesaid to

Town may  
pave. When.

lay pavement and curb, or either, it shall and may be lawful for the said Commissioners to cause such pavement and curb, or either, to be made, and to recover the cost of making the same by the distress and sale of any goods and chattels, lands and tenements belonging to such owner within the limits of said town; and for this purpose the said Commissioners of said town shall issue a warrant under the seal of the corporation, directed to the Treasurer of the town commanding him that of the goods and chattels, lands and tenements of such owner he shall cause to be levied and made the amount of the said cost of pavement and curbing.

Sale of  
property.

## OF CITIES AND TOWNS.

In collecting the said amount the said Treasurer shall have the powers of a collector of county taxes, that claim for the cost of paving and curbing, or either, shall be a lien on the premises in front of, along or adjoining which the work was done, and shall have priority over any lien, incumbrance, or conveyance suffered or made by such owner. If the premises in front of, along or adjoining which a pavement or curbing is directed to be laid, are held or owned by a tenant for life, the expenses incurred as aforesaid shall be paid by the owner or owners of the reversion in fee.

Shall be a lien.

Shall be paid by owner of the reversion in fee.

Section 12. That for the purpose of raising money for the general purposes of said Town, the commissioners of said Town be and they are hereby authorized and empowered, to levy and collect by taxation, not exceeding One thousand dollars in any one year on all the assessable real estate and personal property within the limits of said corporation, which the said Commissioners deem assessable and also on assessment of all the male citizens residing in said Town above the age of twenty-one years as well as those owning real estate as those not owning real estate at least one dollar per head as tax.

Power to levy a tax not to exceed \$1000.

Provided that the voters at any annual election may by a majority vote, authorize the levy and collection of a larger amount which shall in no years exceed three thousand dollars.

Proviso.

Section 13. That the said Commissioners hereinbefore named, and their successors in office, shall each year, during the month of March, make a true, just and impartial valuation or assessment of the real estate and personal property within said town and shall as soon as possible, cause a full and complete transcript of said assessment, containing the amount assessed to each freeholder, and corporation, to be hung up in a public place in said town, there to remain for the space of fifteen (15) days for public inspection. That said Commissioners may, if they see fit, appoint some person assessor to make said assessment. The said Commissioners

Annual assessment.

Transcript of assessment. To be hung up.



## OF CITIES AND TOWNS.

shall, within five (5) days after the expiration of the said fifteen (15) days, hold a Court of Appeal, which shall continue open from two o'clock P. M. to four o'clock P. M. of the same day, when they shall hear appeals from said assessment. Notice of the hanging up of the list and also at the same time notice of the time and place of hearing appeals shall be given by notice posted in at least five public places in said town. The decision of a majority of said Commissioners upon any appeal shall be final and conclusive. No Commissioner shall sit upon his own appeal, but the same shall be heard and determined by the others. After the valuation and assessment shall be examined and adjudged by the said Commissioners all taxes shall be levied, assessed and raised on the real estate and personal property and polls thus valued and assessed in just and equal proportion.

Appeal.

Notice of appeal.

Decision to be final.

Adjustment of assessment and rates.

Tax list to be furnished collector.

Collector may deduct per cent.

Collector to give bond.

Section 14. That the said Commissioners, after having revised and completed the said assessment as aforesaid, and ascertained and determined, according to their best judgment, the amount necessary and proper to be assessed to each freeholder of said town, and also the tax levied on the whole valuation and assessment, and the rate per hundred dollars, they, or a majority of them, shall sign such perfected list and immediately place the same or a duplicate thereof in the hands of the said collector, who shall at once proceed to collect the taxes mentioned and contained in said list, and in collecting the same shall have the same powers as are given by law to a collector of county taxes; in the collection of taxes the said collector shall deduct five per cent from the amount of the tax assessed against the property of any one who shall pay such tax by the first day of May following the assessment of said tax, and shall deduct four per cent. from the amount of taxes assessed against the property of any one who shall pay such tax by the first day of June following the assessment of said tax. The said collector before entering upon the duties of his office shall give bond with sufficient surety to the said Commissioners to be approved by them in a sum at least double the amount of the

## OF CITIES AND TOWNS.

list or duplicate of taxes, placed in his hands, conditioned for the faithful discharge of the trusts imposed in him and for the collection of all taxes committed to him and for the payment by him of the amount of all such taxes, excepting only as far as allowance shall be made to him by the said Commissioners for delinquencies, commissions or otherwise, to the officer or officers authorized or appointed by the said Commissioners for the purpose, at such times as the Commissioners shall appoint. The said Collector shall receive such reasonable compensation or commissions for his services as shall be determined by the said Commissioners.

Compensation of collector.

Section 15. That said Commissioners may elect some Alderman. suitable person, to be Alderman who may or may not be a Justice of the Peace, resident of said town, to serve as such for one year or until his successors shall be duly elected, subject, however, to be removed from office at any time by a vote of two-thirds of all the said Commissioners. Before entering upon the duties of his office, he shall be sworn or affirmed by the President or any one of the Commissioners, to perform the duties of his office honestly, faithfully and diligently. It shall be his duty to execute all laws enacted for the government of said town and to carry into effect the orders and directions of the said commissioners made in pursuance of any law of this state or of any ordinance that the said Commissioners legally may make or establish.

Duty of the Alderman.

He shall have jurisdiction and cognizance of all breaches of peace and other offenses in said town, so far as to arrest and hold to bail, or fine and imprison offenders, and also of all fines, forfeitures and penalties which may be prescribed by any ordinance of the said Commissioners regularly passed and established for the government of the town; provided, that he shall not impose any fine exceeding Twenty Dollars (\$20).

Jurisdiction of Alderman.

No fine to exceed \$20.

His fees for any service under this Section shall be the same as those of a Justice of the Peace for a like service, and for any service or duty for which no fee may be provided by

Fees.

## OF CITIES AND TOWNS.

law, the fee may be established by ordinance of the Commissioners.

- Vacancy. If any vacancy shall occur in the office of said Alderman by death, resignation, removal from office or otherwise, such vacancy may be supplied by the Commissioners at any meeting thereof for the residue of the term. At the expiration of or other termination of his term of office and within two days after the election of his successor, he shall turn over to such successor all the books and papers belonging to such office, and shall pay over to the treasurer all moneys in his hands belonging to the said town within five days after the expiration or other termination of his term of office, upon his neglect or failure to deliver to his successor in office, within the time aforesaid, all the books and papers belonging to his office, or upon his neglect, or failure to pay over to the Treasurer within the limit aforesaid, all moneys belonging to the town, he shall be deemed guilty of a misdemeanor and upon conviction thereof, by indictment, shall be fined not less than Twenty nor more than One hundred dollars. The Alderman shall report to the Commissioners all fines and penalties and pay the same to the Treasurer at such time as the Commissioners may order and direct.
- Shall turn over books, papers, etc.
- Penalty for failure or neglect.
- Shall report.
- Town police. The said Commissioners may appoint such number of local constables as shall be deemed necessary, who shall constitute the town police. And it shall and may be lawful for the said Commissioners to keep and maintain a suitable place as a lockup or jail, for the use of said town, and the Alderman or Justice of the Peace acting under the provisions of this Act, or carrying into effect any judgment or sentence pronounced under its authority, or by virtue of any ordinance or regulation adopted by virtue of the power conferred by this Act, may commit to the lockup or jail for any time not exceeding five days.
- Lockup.
- May commit for five days.
- Authority to use money for current expenses. Section 16. That the said Commissioners shall have the authority to use the money in the Treasury of said town for the payment of current expenses of said town and for

## OF CITIES AND TOWNS.

paying interest, indebtedness and fixed expenses and charges as they, or a majority of them, may deem advisable and proper, but the said Treasurer shall pay out no money except upon the written order of the Commissioners or a majority of them and the warrant of the President. If any person shall maliciously injure or destroy any of the property of the said town, he shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than ten nor more than One hundred dollars.

Penalty for  
injury to  
property.

Section 17. The Commissioners of said Town are hereby authorized and empowered to call a special meeting of the voters of the said town when requested by at least ten freeholders of the town in writing for the purpose of borrowing money and issuing bonds therefor for the improvement of said town. Notices of such special meetings shall be posted in at least five conspicuous places of said town, fifteen days prior to such meetings, stating the hour, place and purpose for which such meeting shall be held, and a majority of the votes cast at said meeting shall determine the amount of money to be borrowed. Provided the bonded indebtedness of said town shall at no time exceed Ten thousand (\$10,000) dollars.

Special  
meeting  
may be  
called for  
borrowing  
money.

Notice.

Not to ex-  
ceed \$10,000.

Section 18. That the said Commissioners for the purpose of carrying into effect the provisions of this Act, shall have power and authority, and are hereby directed from time to time to issue bonds of the said town of such denomination as they shall deem best, bearing interest at a rate not exceeding five per centum per annum, payable semi-annually on the first days of July and January, respectively, in each year at such bank or trust company as the Commissioners shall designate. Such bonds shall be issued from time to time in such amounts as may be determined by the Commissioners, each issue being designated on the bonds. In calling said bonds for redemption and payment they shall be called consecutively, commencing with the lowest number, the interest on all said bonds so called shall cease from the

Power to  
issue bonds.

Interest.

When pay-  
able.

Calling of  
bonds.

## OF CITIES AND TOWNS.

date of the redemption thereof and said bonds when paid shall be cancelled.

May redeem  
if offered.

If at any time after the issue of said bonds and before they are payable or called in, any holder or holders of any such bond or bonds shall offer the same for redemption, the said Commissioners may, if they deem it expedient, redeem and pay the bond or bonds so offered and cancel the same, the interest thereon ceasing from the date of such redemption.

Preparation  
of bonds.

Section 19. That the said Commissioners shall direct and effect the preparation, printing and issue of the bonds authorized by this Act, and shall also prescribe the form and time of payment of said bonds. Such bonds shall be signed by the President and countersigned by the Secretary of the said Commissioners, and shall be sealed with the corporate seal of said Commissioners, and be exempt from all State, County, and Municipal taxation. As the said bonds and coupons are paid the same shall be cancelled in such manner as the said Commissioners may direct.

Exemption  
from taxa-  
tion.

Faith and  
credit of  
town  
pledged.

Section 20. The faith and credit of the town of Selbyville is hereby pledged for the payment of the bonds authorized to be issued under this Act. And also all former bonds which have been issued prior to this Act.

How interest  
shall be paid.

Payment  
of bonds.

Section 21. That the interest on said bonds and also the interest on all outstanding bonds shall be paid out of the general funds of said Town. And at least one bond of \$500 denomination shall be paid each year and the interest on all bonds shall be paid semi-annually on July 1st and January 1st of each year.

May petition  
to vote upon  
any ordi-  
nance

Section 22. Whenever at least fifteen legally qualified voters of said town shall petition the Commissioners requesting a vote upon any ordinance, or any matter which may be the subject matter of an ordinance for an election thereon, the Commissioners shall appoint a day for such an election and shall choose an inspector and judges therefor, and

## OF CITIES AND TOWNS.

give the same notice for such an election as is required to be given at a general Municipal election. If two-thirds of the votes cast at such an election shall be against such ordinance, such ordinance shall be repealed as though repealed by the action of the Commissioners; or if two-thirds of the votes cast at such election shall favor any such matter which may be the subject matter of an ordinance, such matter shall be an ordinance, as though passed by the Commissioners in the manner prescribed by this Act. The subject matter of any such petition may also be the question of any Municipal improvement.

No ordinance granting any franchise shall take effect or confer any rights until three months after the passage thereof, or unless such ordinance shall sooner be submitted, to the legally qualified voters of the said town and shall be approved by a majority of the votes cast at a special election. Such ordinance shall be submitted to the legally qualified voters of said town upon petition for that purpose signed by at least fifteen legally qualified voters, submitted to the Commissioners at any time within three months after final action of the Commissioners upon such ordinance and unless such ordinance shall be approved by a majority of the votes cast at a special election such ordinance shall be repealed as though repealed by action of the Commissioners.

The number of votes necessary to the petition in order to secure an initiative or referendum vote may also be increased in the manner prescribed in this section.

A legally qualified voter shall mean a voter qualified to vote at the last Municipal election, and any one may vote at any special election who is qualified to vote at the general Municipal election proceedings.

The Commissioners also may submit any question which they may deem proper to the referendum vote of the legally qualified voters of the said Town. Whenever the Commissioners shall receive a petition for an election they

## OF CITIES AND TOWNS.

shall order the same to be held not more than sixty days from the time such petition is received.

May proceed to lay out and open street, etc.

Section 23. That the Commissioners shall upon the petition of any five freeholders of said Town, to lay out any new street, lane or alley or re-open, widen or straighten any old street, they shall go and view the premises and if in their judgment such new street, lane or alley shall be laid out or such old street shall be reopened, widened or straightened, they shall proceed to do so. And it shall be their duty after the survey and location of said new street, lane or alley or re-opening, widening or straightening any old street to notify, in writing, the owner or owners of the real estate through or over which such new or old street may run of their determination to open the same and to furnish a general description of the location thereof, and also the amount of such damages or compensation allowed to each, and if such owner be not a resident within the said Town to notify the holder of said real estate, but if there be no holder or tenant resident in said town, the said notice may be affixed to any part of the premises. If any owner be dissatisfied with the determination to lay out or open the said new street or re-open, widen or straighten any old street or with the amount of the compensation or damages, he may, within ten days after receiving notice from the Commissioners as aforesaid, appeal from the said determination or assessment, or both by serving written notice to that effect on the said Commissioners or on any one of them. In order to prosecute said appeal such owner or owners shall, within ten days after the expiration of the ten days allowed for appeals, apply to the resident Judge of Sussex County, who shall, within five days thereafter and upon notice to the said Commissioners or any one of them, select five judicious and impartial freeholders of Baltimore Hundred, owning no real estate in said town and not residing within its limits.

Notice to owners.

Owner may appeal.

Shall notify appellants

The said Commissioners shall, upon receiving said notice from the Resident Judge of Sussex County, immediately

## OF CITIES AND TOWNS.

notify all persons owning real estate on the said street and residing in the said town who have notified them of their intention to appeal.

The said freeholders named by the Resident Judge of Sussex County shall determine concerning the necessity of said new street, lane, alley or re-opening, widening or straightening of any old street and assess the damages of all owners of real estate through or over whose ground the said street shall run who shall have notified the Commissioners of their intention to appeal, and their award and assessment shall be final, and a copy thereof shall be communicated to all parties, appellants and commissioners.

Any party appellant or Commissioners may, within ten days after the appointment of said freeholders, and upon five days notice to the other parties resident in said Town, or in case of non-residence notice to holders of any real estate, call out the freeholders aforesaid, who shall thereupon proceed, upon oath or affirmation, to inquire of the necessity of such street, and in case they deem such street to be necessary to assess the damages of the several owners. Their award shall be made within twenty days from the time of notifying them to meet. If any freeholder thus appointed and notified shall refuse to serve he shall forfeit the sum of twenty dollars, to be recovered in an action of debt before the Alderman or any Justice of the Peace of Sussex County in the name of the Commissioners of Selbyville for the use of said town. The said Resident Judge of Sussex County shall have power to fill any vacancy in the Commission.

If in case the award of the freeholders shall be against the necessity of any such street, then no petition for any such new street, so condemned shall be entertained by the Commissioners then acting during the term for which they were elected.

The act of a majority of said freeholders shall be as good as the act of the whole in making any such award or



## OF CITIES AND TOWNS.

assessment of damages. The freeholders shall notify the appellants and Commissioners when they will proceed to view said streets, lanes or alleys.

Costs borne  
by the town  
when.

Section 24. That if on any such appeal the award shall be against the necessity of the street or the freeholders shall increase the damages of any appellant, then the costs of the appeal shall be borne by the town.

Costs paid  
by appel-  
lants.

But if the freeholders shall affirm the necessity of the street, and shall not increase the damages of any appellant, then the costs shall be paid by the appellants. That the damage which may be assessed upon the occasion of opening any new streets shall be paid out of the funds of the town, or duly tendered before the property of any person, in whose favor the damages are assessed, shall be appropriated for the opening of any such streets, and in case of any such owner or owners in whose favor any such damages are assessed shall be a minor, non-resident, or refuse to receive or be incapable for any cause of receiving the same, such damages may be deposited in any banking institution which may at the time exist in said town to the credit of such person or persons and subject to his or their order, and such deposit shall operate as payment.

When may  
be deposited  
in bank.

Fees.

The fees of the freeholders shall be one dollar per day. After the damages shall be fixed and ascertained by the freeholders, the Commissioners aforesaid shall have the option to pay the damages assessed as aforesaid and to proceed with the said improvements, or, upon payment of the cost only, may abandon the proposed improvements.

May annex  
additional  
territory.

Section 25. The said Commissioners or their successors in office shall have power to annex any additional contiguous territory upon the petition of fifteen (15) freeholders of said town and extend and apply to such additional territory, all laws, ordinances, resolutions, rules and regulations in force within said town, so far as they may be locally applicable. Before any additional territory shall be

## OF CITIES AND TOWNS.

annexed to said town, the Commissioners shall pass a resolution describing and defining accurately the territory proposed to be annexed, and shall give notice that the petition for such annexation has been presented by causing copies of said resolution to be posted in at least five public places in said town; and within sixty days thereafter, if sufficient cause to the contrary be not shown to the Commissioners, it may, by ordinance, of majority all the members concurring therein, annex to said town the territory described and defined in said resolution, and such territory shall thereupon become a part of said town.

Section 26. All Acts or parts of Acts inconsistent herewith are hereby repealed.

Approved March 3, A. D. 1911.

## OF CITIES AND TOWNS.

## CHAPTER 242.

## OF CITIES AND TOWNS.

AN ACT to Amend an Act to Incorporate the Town of Frankford.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of all the members elected to each House of the General Assembly concurring therein) :*

Chap. 187,  
Vol. 23,  
amended.

Section 1. That the said Act entitled "An Act to Incorporate the Town of Frankford" approved March 17th, 1903, being Chapter 438, Volume 22, Laws of Delaware which was revived, renewed, re-enacted and amended by Chapter 187, Volume 23 of the Laws of Delaware be and the same is hereby amended by adding thereto the following sections:

Authorized  
to borrow  
money.

Not to ex-  
ceed \$2000.

To issue  
bonds.

Interest.

Principal  
payable.

May redeem  
bonds.

"Section 25. That the Council of the Town of Frankford is hereby authorized and empowered to borrow on the credit of The Town of Frankford, a sum of money not exceeding the sum of two thousand dollars (\$2000.00) which shall be applied, appropriated and expended for the purpose of improving the streets of the Town of Frankford. That the said Council of the Town of Frankford, for the purpose of carrying into effect the provisions of this Act, shall have power and authority to issue bonds of The Town of Frankford of such denomination or denominations as they shall deem best, bearing interest at a rate not exceeding five per centum per annum, payable semi-annually the first days of July and January respectively, in each year at The First National Bank of Frankford. The principal of such bonds shall be made payable in ten years from the date of the issue thereof, said Council of The Town of Frankford reserving the power and authority of redeeming any such bonds at the end of five years from the date of the issue of the same, or at any time thereafter; provided that if the Council of The

## OF CITIES AND TOWNS.

Town of Frankford elect to redeem any of such bonds at the expiration of five years as aforesaid, such election shall be effected on the first days of July and January, and in pursuance of a notice of at least one month to the persons whose bonds are to be redeemed or if such owners are unknown or it be inexpedient to give such notice to the holders directly, <sup>Notice.</sup> then such notice may be published in at least two issues of two newspapers published in Sussex County. In calling said <sup>How called.</sup> bonds for redemption and payment they shall be called consecutively, commencing with the lowest number; the interest on all said bonds so called shall cease from the date of the redemption thereof, and said bonds when paid shall be cancelled. If at any time after the issue of said bonds and before they are payable or called in, any owner or owners of any such bonds shall offer, the same for redemption, the Council of The Town of Frankford, may if they deem it expedient, redeem or pay the bond or bonds so offered and cancel the same, the interest thereon ceasing from the date of such redemption. <sup>May redeem and cancel.</sup>

Section 26. That the Council of The Town of Frankford shall direct and effect the preparation and printing of the bonds authorized by this Act and also prescribe the form of said bonds, which shall be signed by the President of the Council and countersigned by the Secretary of the Council of The Town of Frankford and shall be sealed with the corporate seal of said corporation and be exempt from all State, County and Municipal taxation. As the said bonds and coupons thereon are paid the same shall be cancelled in such manner as the said Council shall direct. And it is further provided that all moneys derived from the sale of said bonds shall be placed in the hands of the Treasurer of said Council for the purpose of carrying into effect the provisions of this Act. <sup>Preparation of bonds.</sup> <sup>Money derived from sale of bonds.</sup>

Section 27. That the payment of such bonds or the interest thereon may be made by the said Council of the Town of Frankford out of any moneys that may be in their hands <sup>Payment of bonds.</sup>

## OF CITIES AND TOWNS.

at the time when such payments are made and such payments shall be considered as money expended for the improvement of the streets of said The Town of Frankford.

Shall be  
submitted  
to a vote.

Section 28. That before the provisions of this Act shall go into effect the sum or sums of money proposed to be borrowed or raised under this Act shall be submitted to a vote of the legal voters of the said Town of Frankford and be approved by a majority of the votes cast at a special election which the said Council of The Town of Frankford is hereby authorized to call at such time as they may deem necessary, but in case the proposal to borrow the aforesaid sum of money shall not be approved by the majority of the votes cast at such special election, the Council shall on the application of ten resident freeholders of said Town, call another election, provided that four months shall have elapsed since any preceding election for the purpose was held, and at every such election, the qualifications of voters and the number of votes cast by each of them shall be the same as they are entitled to vote at the regular Town election. Notice of any such election shall be given by the Secretary of said Council of The Town of Frankford by public notice posted in at least five public places in The Town of Frankford at least ten days before the date of such election.

May call  
another  
election.

Qualifica-  
tion of  
voters.

Notice.

Faith of  
town  
pledged.

Section 29. That the faith of the said The Town of Frankford is hereby pledged for the payment of the bonds authorized to be issued under the Act.

Sec. 6, of Act  
amended.

Section 30. That Section 6 of said Act Incorporating The Town of Frankford be amended by striking out the words two hundred and fifty dollars in the nineteenth and twentieth lines and inserting in lieu thereof the following words "five hundred dollars."

Approved March 28, A. D. 1911.

OF CITIES AND TOWNS.

CHAPTER 243.

OF CITIES AND TOWNS.

AN ACT to amend Chapter 212, Volume 25, Laws of Delaware, entitled "An Act to Incorporate the Town of Bethany Beach and giving it authority to issue bonds."

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two-thirds of all the members elected to each House thereof concurring therein) :*

Section 1. That Section 5, Chapter 212, Volume 25, Laws of Delaware, entitled "An Act to Incorporate the Town of Bethany Beach and giving it authority to issue bonds," be amended by striking out the word "in" where it appears in the twenty-fifth line of said Section and inserting in lieu thereof the following words: "Immediately preceding the day on."

Sec. 5, Chap.  
212, Vol. 25,  
amended.

Words in-  
serted in  
lieu of.

Approved March 28, A. D. 1911.

# TITLE ELEVENTH

## Of the Domestic Relations.

### CHAPTER 244.

#### OF MARRIAGE.

AN ACT to amend Chapter 74 of the Revised Code of the State of Delaware as Published in 1893 entitled, "of Marriage."

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Chap. 74,  
Revised Code  
amended.

That Chapter 74 of the Revised Code of the State of Delaware as published in 1893 be, and the same is hereby amended by striking out all of Sections 1, 2, 3, 4, 5, 6, and 7 of said chapters and inserting in lieu thereof the following:

Prohibited  
degrees

Section 1. A man shall not marry his mother, grandmother, sister, daughter, grand-daughter, father's sister, mother's sister, brother's daughter or sister's daughter.

A woman shall not marry her father, grand-father, brother, son, grand-son, father's brother, mother's brother, brother's son or sister's son.

Races.

Marriage between a white person and a negro or \*mulato, between paupers or between a person of sound mind and an insane or idiotic person shall be unlawful.

Insane  
persons.

Penalties

If a marriage prohibited by this section be solemnized, it shall be void and the parties thereto shall each be deemed

## OF MARRIAGE.

guilty of a misdemeanor and shall be fined one hundred dollars, and in default of the payment of such fine shall be imprisoned not exceeding thirty days, and if any person authorized to issue a marriage license shall knowingly or wilfully issue a license for such marriage, and if any person authorized to solemnize marriage shall knowingly or wilfully solemnize such marriage, or if any person shall knowingly or wilfully assist in the contracting or solemnizing of such marriage, he shall be deemed guilty of a misdemeanor and shall be fined one hundred dollars and in default of the payment of such fine, shall be imprisoned not exceeding thirty days.

If a marriage prohibited by this section shall be contracted or solemnized outside of the State and the parties thereto shall afterwards live and cohabit as husband and wife within the State, they shall each be deemed guilty of a misdemeanor and shall be punished in the same manner as though the marriage had been contracted within this State.

Section 2. Marriages may be solemnized by any ordained minister of the gospel or by a minister in charge of a recognized church or by the mayor of the City of Wilmington. Marriage may also be solemnized or contracted according to the forms and usages of any religious society where either of the parties belongs to such religious society, but no marriage shall be solemnized or contracted without the production of a license regularly issued by the Clerk of the Peace of one of the Counties of this State, or a Justice of the Peace of this State, as hereinafter provided authorizing such marriage.

If any person not authorized by this section shall falsely solemnize a marriage, he shall be deemed guilty of a misdemeanor and shall be fined one hundred dollars, and in default of the payment of such fine shall be imprisoned not exceeding thirty days, and such marriage shall be void unless it be in other respects lawful and be consummated with the full belief of either of the parties in its validity.

Section 3. No marriage license shall be issued if the male be under 21 years of age or if the female be under 18

Such marriage contracted outside the State.

Marriages; how solemnized.

License.

Penalty.

Age of parties.



## OF MARRIAGE.

Consent of parent or guardian.      years of age without the personal consent of the parent or guardian of the party under age, which consent shall be reduced to writing in the presence of the Clerk of the Peace or Justice of the Peace, and filed with the Clerk of the Peace of the County in which the license was issued as a part of the records of his office.

No license to an intoxicated person.      No license to marry shall be issued when either of the contracting parties at the time of making the application is under the influence of intoxicating liquor or a narcotic drug. Nor shall any such license be issued to any person who is or has been an inmate of any insane asylum unless it satisfactorily appears that such person has been discharged from such asylum.

Inmate of insane asylum.

Penalty.      Any Clerk of the Peace or Justice of the Peace, who shall knowingly or wilfully issue a license to marry to a minor without the personal consent of parent or guardian or to any person under the influence of intoxicating liquor or a narcotic drug or to any person who is or has been an inmate of any insane asylum, unless it satisfactorily appears that such person has been discharged from such asylum shall be deemed guilty of a misdemeanor and shall be fined \$100.00 and in default of the payment of such fine shall be imprisoned not exceeding thirty days.

Duties of Clerk of the Peace, and Justice of the Peace.      Section 4. Whenever application is made to any Clerk of the Peace or Justice of the Peace for the issuance of a marriage license, it shall be the duty of such Clerk or Justice of the Peace to examine the applicant in person, upon oath, to ascertain the full names of the parties desiring the license, their places of residence, the names of their parents and the parents' residences, their occupation, their age, their color, whether married or single, and their relationship, if any, which facts the said Clerk of the Peace shall set down in a Marriage Record Book or in the case of the Justice of the Peace, in a loose leaf duplicate of the Marriage Record Book, to be provided and kept for that purpose and the applicant for said license shall sign his or her name thereto.

Marriage Record Book.

## OF MARRIAGE.

If any person applying for license under this act shall knowingly or wilfully make false answer to any of the inquiries asked by the Clerk of the Peace or Justice of the Peace, he or she shall be deemed guilty of perjury and shall upon conviction thereof be subject to the penalties for perjury by the laws of this State.

Perjury.

Section 5. If it shall appear by the answers given in relation to the matters inquired into, that the parties may be authorized by law to contract marriage, it shall be the duty of the Clerk of the Peace or Justice of the Peace, upon payment of the license fee to issue a license and to set down the date of the issuance thereof in the aforesaid Marriage Record Book, or loose leaf duplicate.

Duty of Clerk of the Peace and Justice of the Peace.

The Secretary of State shall furnish marriage licenses in blank to Justices of the Peace upon receipt of two dollars for each license so furnished. The fee to the Clerk of the Peace shall be two dollars and a half, and to the Justices of the Peace, three dollars. The Justice of the Peace shall return his loose-leaf duplicate to the Clerk of the Peace.

Secretary of State to furnish license blanks. Fee.

Justice of the Peace to return duplicate.

A loose leaf, a duplicate of the page of the Marriage Record Book, shall be furnished with each license furnished by the Clerk of the Peace to a Justice of the Peace and the answers to the examination shall be set down on this loose leaf and signed in the same manner as the Marriage Record Book; when the applicants apply to a Justice of the Peace for a license and the said loose leaf shall be returned to the Clerk of the Peace of the County, and by him copied into the Marriage Record Book and the loose leaf shall be numbered corresponding to the page of the Marriage Record Book and filed in the office of the Clerk of the Peace for reference.

Loose leaf.

The loose leaf shall be returned by the Justice of the Peace issuing the license to the Clerk of the Peace within ten days after such issuance, and if he shall fail to do so, he shall be deemed guilty of a misdemeanor and shall be fined \$25.00.

Penalty.

OF MARRIAGE.

Form of  
license.

Section 6. Said marriage license shall be in the following form:

State of Delaware, S. S.

To any minister of the Gospel or other person authorized by laws of the State of Delaware to solemnize marriage, you are hereby authorized to join in the holy bonds of matrimony, according to the laws of the State of Delaware:

..... and .....

Witness ..... Esquire, Governor, of  
the said State, at Dover, the ..... day of  
....., 19....

By the Governor.

.....  
.....

Secretary of the State.

Certificates.

There shall be attached to said license two certificates, in the following form:

I hereby certify that on this ..... day of  
....., A. D. 19...., at .....  
..... and ..... were by me  
united in the holy bonds of matrimony in accordance with  
the Laws of the State of Delaware.

.....  
.....

To whom  
certificates  
shall go.

One of said certificates shall be given to the parties at the time of their marriage and the other shall within ten days be returned to the Clerk of the Peace of the County in which the license was issued by the person officiating at said marriage and the said Clerk of the Peace shall thereupon enter in the Marriage Record Book the date of said marriage and the name of the person performing said ceremony and the said Marriage Record Book so kept shall be open for inspection and shall be admitted as evidence of the facts therein contained in any court of record.

## OF MARRIAGE.

Provided however when marriages are performed in the City of Wilmington said certificate shall be returned as aforesaid to the Registrar of Vital Statistics of the City of Wilmington, and upon the failure of any person officiating at any marriage to return the certificate to the Registrar of Vital Statistics of the City of Wilmington within ten days, he shall be subject to the same penalty as provided in Section 7 of this Act. Where a marriage is contracted according to the forms and usages of any Religious Society, the wording of the certificates may be altered, in accordance with the facts of the case and the forms and usages of such Religious Society,—the one to be sent to the Clerk of the Peace to conform as nearly as possible to the form given above.

Where returned in City of Wilmington.

Penalty.

Wording of certificate may be altered.

Section 7. If any person officiating at said marriage shall fail to return to the office of the Clerk of the Peace the certificate within ten days as hereinbefore provided, he shall be deemed guilty of a misdemeanor and shall be fined \$25.00.

Penalty.

If a certificate of marriage is found upon its return to the Clerk of the Peace to have been knowingly or wilfully falsely filled out by the person who solemnized a marriage under it, the Clerk of the Peace shall have it corrected and said person shall be guilty of a misdemeanor and shall be fined \$25.00.

Penalty for falsely filling out certificate.

Section 8. It shall be unlawful for any person to advertise in a newspaper circulated in this State or by any other means, to perform or procure the performance of the marriage ceremony.

Unlawful to advertise.

Whoever violates any portion of the foregoing prohibition shall be deemed guilty of a misdemeanor and shall be fined not less than ten nor more than twenty-five dollars.

Penalty.

Section 9. In the event that any section of this Act or part thereof shall be held to be unlawful by a court of competent jurisdiction, such adjudication shall not affect the other portions of this Act.

Shall not affect other parts.

## OF MARRIAGE.

All acts and parts of acts inconsistent herewith are hereby repealed.

Approved April 10, A. D. 1911.

## OF PARENTS AND CHILDREN.

## CHAPTER 245.

## OF PARENTS AND CHILDREN.

AN ACT to amend an Act, entitled "An Act for the benefit of Married Women and Minor Children," being Chapter 230 of Volume 18, of the Laws of Delaware.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Section 1. That Section 2 of Chapter 230, Volume 18, Laws of Delaware, entitled "An Act for the benefit of Married Women and Minor Children," be amended by inserting after the word "Month" and before the word "and" in the tenth line of said Section, the words "which said sum shall be paid to the Clerk of the Peace for the County in which said proceedings are had, who shall pay the same over to the person or persons entitled thereto, upon application by her or them." Sec. 2, Chap. 230, Vol. 18. amended.

Section 2. That Section 2 of said Act be further amended by inserting after the word "therewith" and before the word "upon" in the thirteenth line of said Section, the following words: "Provided, that the surety or sureties may surrender the person against whom such order was made, with consent of the Court, and be relieved from liability upon such bond." Sec. 2, of Act further amended.

Approved March 2, A. D. 1911.

## OF EMMA MAY WOODALL.

## CHAPTER 246.

AN ACT to change the name of Emma May Sapp to Emma May Woodall and make her a daughter and heir-at-law of Benjamin F. B. Woodall.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Name of  
Emma May  
Sapp  
changed to  
Emma May  
Woodall,  
and made  
daughter  
and heir-  
at-law.

Section 1. That the name of Emma May Sapp be and the same is hereby changed to the name of Emma May Woodall, and by this name she is hereby constituted and made a daughter and heir-at-law of Benjamin F. B. Woodall, and shall henceforth bear the same relation to him as if she were the child of the said Benjamin F. B. Woodall.

Approved February 24, A. D. 1911.

OF DRURY HINTON DOGGERT, LEROY BENJAMIN DOGGERT AND  
EDWARD MARTIN DOGGERT.

. CHAPTER 247.

AN ACT to Change the names of Drury Hinton Doggett, Leroy Benjamin  
Doggett and Edward Martin Doggett.

*Be it enacted by the Senate and House of Representatives  
of the State of Delaware in General Assembly met:*

Section 1. That the name of Drury Hinton Doggett be  
and it is hereby changed to Drury Hinton.

Name of  
Drury Hinton  
Doggett,  
changed to  
Drury Hinton.

Section 2. That the name of Leroy Benjamin Doggett  
be and it is hereby changed to Leroy Benjamin Hinton.

Name of  
Leroy Benjamin  
Doggett changed  
to Leroy  
Benjamin  
Hinton.

Section 3. That the name of Edward Martin Doggett  
be and it is hereby changed to Edward Martin Hinton.

Name of Edward  
Martin Doggett  
changed to  
Edward  
Martin Hinton.

Approved February 24, A. D. 1911.



## OF GEORGE WILLIAMS RUSSELL.

## CHAPTER 248.

AN ACT to change the name of George Russell Williams to George Williams Russell.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Name of  
George Rus-  
sell Williams  
changed to  
George Wil-  
liams Rus-  
sell.

Section 1. That the name of George Russell Williams be and the same is hereby changed to George Williams Russell.

Approved March 2, A. D. 1911.

OF JOHN M. CANNON.

CHAPTER 249.

AN ACT to change the name of John M. Lampiski to John M. Cannon and make him heir-at-law of Michael F. Cannon and Catherine C. Cannon.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Section 1. That the name of John M. Lampiski be and the same is hereby changed to John M. Cannon, and by this name is hereby constituted and made a son and heir-at-law of Michael F. Cannon and Catherine C. Cannon and shall henceforth bear the same relation to them as if he were the legitimate child of the said Michael F. Cannon and Catherine C. Cannon.

Name of  
John M.  
Lampiski  
changed to  
John M.  
Cannon, and  
made heir-  
at-law.

Approved March 2, A. D. 1911.

## OF GUSTAVE CHARLES ROLLER.

## CHAPTER 250.

AN ACT to change the name of Gustave Charles Retzer to Gustave Charles Roller and to make him the heir-at-law of Gustave Charles Roller.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :*

Name of  
Gustave  
Charles Ret-  
zer changed  
to Gustave  
Charles  
Roller.

Section 1. That the name of Gustave Charles Retzer be and the same is hereby changed to Gustave Charles Roller, and by such name he is hereby constituted and made a son and heir-at-law of Gustave Charles Roller, as though he were the legitimate child of the said Gustave Charles Roller.

Approved March 28, A. D. 1911.

# TITLE TWELFTH

## Of Titles to Real Property.

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### CHAPTER 251.

#### OF ALIENS.

AN ACT Respecting the Title of Aliens to Real and Personal Property.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :*

Section 1. That real and personal property situate in the State of Delaware may be taken, acquired, held and disposed of by an alien in the same manner as by a citizen of the State of Delaware.

Aliens may take title and dispose of property.

Section 2. That a good title to real and personal property situate in the State of Delaware may be derived through, from or in succession to an alien in the same manner in all respects as through, from or in succession to a citizen of the State of Delaware.

Title derived from or through an alien good.

Section 3. That all conveyances to or from aliens of real or personal property situate in the State of Delaware at any time, heretofore made are hereby validated, ratified and confirmed, and it is declared that the said conveyances vested in the purchaser or purchasers the same estates and rights as they would have taken if the conveyance had been made between citizens of the State of Delaware.

Conveyances heretofore made are validated and confirmed.

Approved March 29, A. D. 1911.

## OF CONVEYANCES.

## CHAPTER 252.

## OF CONVEYANCES.

AN ACT to Authorize the Trustees of the First Baptist Church of the Borough of Wilmington, to convey certain real estate.

Preamble.

Whereas, Joseph Stidham and Rebecca Stidham, his wife, by Indenture bearing date the Twenty-third day of August, A. D. one thousand seven hundred and eighty-four, and recorded in the office for the recording of Deeds, &c., in and for New Castle County and State of Delaware, at Wilmington, in Deed Record F, Vol. 2, Page 259 &c., did convey to Rev. John Boggs, Thomas Fleeson, Abel Griffith, Thomas Williams, Richard Riley, John Garrett, John Stow, Joshua Vaughn and Thomas Ainger and their Successors, certain real estate on King and French Streets, between Tenth and Eleventh Streets, in the City of Wilmington, New Castle County and State of Delaware, more particularly described in said Indenture, in trust for the members of The Baptist Church as set forth in said Indenture.

Preamble.

And Whereas Ashton Richardson and Mary Richardson, his wife, by, Indenture bearing date the Fourth day of September, A. D. one thousand eight hundred and eleven, and recorded in the aforesaid office for the Recording of Deeds, &c., in Deed Record Y, Vol. 3, Page 489 &c., did convey unto James Robinson, Fared Chestnut, William G. Jones, Peter O'Daniel, Joseph Gibson, John Stockton, and Walraven Walraven, Trustees of the Baptist Meeting in the Borough of Wilmington, certain real estate on King and French Streets, between Tenth and Eleventh Streets, in the City of Wilmington, New Castle County and State of Delaware, more particularly described in said Indenture.

Preamble.

And Whereas, John R. Rittenhouse, John W. Brimer, William B. Tawresey, Alanson E. Rittenhouse, Ellis B. Rit-

## OF CONVEYANCES.

tenhouse and John Leonard Hastings are now the duly elected Trustees of The First Baptist Church of the Borough of Wilmington, and are now the duly elected and constituted Trustees under the trusts contained in the above recited Indenture executed by Joseph Stidham and Rebecca Stidham, his wife, and the Successors to the Trustees in said Indenture named, having been duly elected as such in accordance with the provisions of said Indenture, and are now the duly elected and constituted Successors to the Trustees named in said indenture executed by Ashton Richardson and Mary Richardson, his wife, therefore;

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Section 1. That John R. Rittenhouse, John W. Brimer, William B. Tawresey, Alanson E. Rittenhouse, Ellis B. Rittenhouse and John Leonard Hastings, as Trustees of The First Baptist Church of the Borough of Wilmington, and Trustees under said Indenture executed by Joseph Stidham and Rebecca Stidham, his wife, dated the Twenty-third day of August, A. D. 1784, and recorded in Deed Record F, Vol. 2, Page 259 &c., as aforesaid, and the Trustees under said Indenture executed by Ashton Richardson and Mary Richardson, his wife, dated the Fourth day of September, A. D. 1811, and recorded in Deed Record Y, Vol. 3, Page 489 &c., as aforesaid, and the survivor or survivors of them, or their Successors in office, be, and they are hereby authorized and empowered to sell, either at public or private sale, on such terms as they may deem expedient, all or any part of the tracts, pieces or parcels of land belonging to, or held in trust for the members of The First Baptist Church of the Borough of Wilmington, and described in the two Indentures recited in the preamble to this Act, and convey the same, in fee simple, to the purchaser or purchasers, by good and sufficient Deed or Deeds, free from all trust, and without any liability on the part of said purchaser or purchasers for the application, non-application or mis-application of the pur-

Trustees authorized to convey certain real estate.

## OF CONVEYANCES.

Trustees to  
hold pro-  
ceeds of sale  
subject to  
same trusts  
and benefits.

chase money. The net proceeds of said sale or sales, after paying costs thereof, and any liens of Record against said property, shall be held by the said Trustees and their Successors in office hereafter, under and subject to the same trusts and for the benefit of the same persons as are set forth and provided in and by the said Indenture executed by Joseph Stidham and Rebecca Stidham, his wife.

Section 2. This Act shall be deemed and taken to be a public Act.

Approved April 6, A. D. 1911.

OF CONVEYANCES.

CHAPTER 253.

OF CONVEYANCES.

AN ACT to Make Valid Conveyances of Delaware Lands by Foreign Corporations.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two-thirds of all the members of each house concurring therein) :*

Section 1. That all deeds to lands in Delaware heretofore or hereafter executed and delivered by corporations created by and existing under the laws of the states and territories of the United States of America other than Delaware, are hereby made valid, good and effective to convey the fee simple or other estate purported to be conveyed in such deeds, with the same force and effect as if the corporation grantor had been a corporation lawfully created by and existing under the laws of the State of Delaware, and such deeds, when recorded, or any office copy thereof, shall be admitted as evidence in all courts of this State, and shall be valid and conclusive evidence, with the same force and effect as if such deeds had been properly executed, acknowledged and delivered by corporations created by and existing under the Laws of the State of Delaware.

Certain  
deeds or con-  
veyances  
made valid.

Section 2. This act shall be taken to be a public act.

Approved March 29, A. D. 1911.



## OF CONVEYANCES.

## CHAPTER 254.

## OF CONVEYANCES.

AN ACT to make Valid the Record of Certain Deeds.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :*

Deeds im-  
properly ac-  
knowledge  
prior to  
January  
1909, to be  
made valid.

Section 1. That the record of any deed dated prior to the first day of January, A. D. 1909, and which was duly signed and sealed by the parties therein named as grantors, notwithstanding said deed had not been properly acknowledged or the acknowledgment or the private examination of any married woman party thereto had not been taken and certified in conformity with the requirements of the laws of this State in force at the time of its execution, shall be and the same is hereby made valid and effectual in law, as if said deed had been correctly acknowledged and certified, and the said record or any office copy thereof shall be admitted as evidence in all courts of this State and shall be valid and conclusive evidence, as if said deed had been in all respects acknowledged and the acknowledgment certified in accordance with the then existing law.

Record or  
office copy  
shall be ad-  
mitted as  
evidence.

Approved April 6, A. D. 1911.

OF CONVEYANCES.

CHAPTER 255.

OF CONVEYANCES.

AN ACT in relation to the title of lands taken or held by New Castle County.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Section 1. Whenever it shall be necessary for the County of New Castle to take or hold the title to any real estate the same shall be taken and held in the name of "The State of Delaware for the use of New Castle County."

May take or hold title to lands.

Section 2. Any Trustee now holding lands for the use of New Castle County is hereby authorized and directed to convey the same in fee simple to "The State of Delaware for the use of New Castle County."

Trustee authorized to convey.

Approved March 28, A. D. 1911.

## OF CONVEYANCES.

## CHAPTER 256.

## OF CONVEYANCES.

AN ACT relating to the Satisfaction of Mortgages.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

All payments on mortgages to be entered on the margin of record every three years.

Section 1. That from and after the passage of this Act it shall be the duty of the holder or holders of mortgages recorded in the proper office, at least once every three years, to cause to be entered on the margin of the record thereof all payments of principal theretofore made by or in behalf of the mortgagor, or by any one interested in the property covered by the mortgage, either as owner or as a lien creditor, on being tendered or paid the legal fee for such entry or entries.

Penalty for neglect or refusal.

Section 2. If the holder or holders of any such mortgage shall neglect or refuse after written request and tender of the legal fees therefor for a period of three months to cause to be entered on the record of any such mortgage any and all such payments of principal, such holder shall be liable to pay to any party interested therein, who shall have made tender and request, the sum of one hundred dollars for each failure to comply with the provisions of this act; said sum to be recovered in any Court of Record where a proper service may be had in an action of debt.

Not to apply to certain mortgages.

Section 3. The provisions of this act shall not apply to any mortgage given to or held by a Building and Loan Association or to any mortgage where the conditions of the payment of the principal in any way depends upon the earnings of the holders of such mortgage.

Approved April 4, A. D. 1911.

# TITLE THIRTEENTH

## Of the Administration of Estates.

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### CHAPTER 257.

#### OF THE SETTLEMENT OF PERSONAL ESTATES.

AN ACT to Further Amend Chapter 89 of the Revised Statutes of the State of Delaware, and also to amend Chapter 224 of Volume 25, Laws of Delaware, Relating to Releases, Acquittances and Receipts to Executors and Administrators.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Section 1. That Section 50 of Chapter 89 of the Revised Statutes of the State of Delaware be and the same is hereby amended by inserting the word "borough" next after the word "town" and before the words "or County" in the third and fifth lines of the Second Paragraph of said Section. Sec. 50, Chap. 89, Revised Statutes amended.

Section 2. That Section 2 of Chapter 224 of Volume 25 of the Laws of Delaware be and the same is hereby amended by inserting the word "borough" between the word "town" and the words "or County" in the Sixth and Ninth lines of said Section. Sec. 2, Chap. 224, Vol. 25, amended.

Approved April 4, A. D. 1911.

## OF THE SETTLEMENT OF PERSONAL ESTATES.

## CHAPTER 258.

## OF THE SETTLEMENT OF PERSONAL ESTATES.

AN ACT to Amend Chapter 226, Volume XXV Laws of Delaware, entitled "An Act in Relation to the accounts of Trustees and Investment of Trust Funds."

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Sec. 2, Chap.  
226, Vol. 25,  
amended.

Section 1. That Section 2 of Chapter 226 Volume XXV Laws of Delaware, entitled "An Act in Relation to the accounts of Trustees and Investment of Trust Funds" be and the same is hereby amended by striking out the words "and the manner of the investment of the principal funds thereof" in the seventh and eighth lines of said section, and by adding at the end of the first paragraph of said section the following: "Such accounts shall also show the manner in which the principal of the trust is invested; and upon the request of the trustee, or of any party in interest, the Chancellor shall, and upon his own motion he may proceed to approve or disapprove of said investments; but otherwise he shall approve or disapprove of the remainder of the account without passing upon the manner in which the principal of the trust is invested."

Sec. 3, of  
the Act  
amended.

Section 2. That Section 3 of said Act be and the same is hereby amended by inserting at the end of said section the following: "and provided further that the foregoing specification of classes and kinds of securities in which trustees may invest the funds of their estates, shall not be construed to relieve said trustees from the duty of exercising due care in the investment of said funds."

Approved March 29, A. D. 1911.

## OF THE SETTLEMENT OF PERSONAL ESTATES.

## CHAPTER 259.

## OF THE SETTLEMENT OF PERSONAL ESTATES.

AN ACT relating to the payment in certain cases of Money due deceased Persons,

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :*

Section 1. That hereafter it shall be lawful for any employer in this State, at any time not less than fifteen days after the death of any person in his or its employ, to pay all wages due to such deceased employe to the wife, children, father, or mother, sister or brother (preference being given in the order named) of the deceased employe, without requiring letters of administration to be issued upon the estate of said deceased employe, where such wages due do not exceed seventy-five dollars in amount. Employer may pay money due deceased without requiring letters of administration. Provided, however, Wages not to exceed \$75. that if such deceased employe shall not leave a wife, children, father, mother, sister or brother surviving him, then it shall be lawful for said employer to pay the wages due such deceased employe to the creditors, as follows: If deceased leave no near relations, employer may pay certain creditors. Undertaker, physician, boarding-house keeper, and nurse, each his or her pro rata share of wages, not exceeding seventy-five dollars, due the deceased, upon affidavit of fact furnished, without letters of administration being issued.

The payment of such wages shall be a full discharge and release to the employer from the wages so due and paid. Shall be a full discharge.

Section 2. That hereafter it shall be lawful for any Bank or individual banker, Trust Company, Savings Bank or Savings Society in this State having on deposit to the individual credit of any deceased person, a sum of money not exceeding seventy-five dollars to pay at any time not less than fifteen days after the death of such person such sum of money so on deposit to the wife, children, father, mother, Banks, Trust Companies, etc., having on deposit funds to the credit of deceased persons may pay out without requiring letters of administration.

## OF THE SETTLEMENT OF PERSONAL ESTATES.

sister or brother (preference being given in the order named) of such deceased person, without requiring letters of administration to be issued upon the estate of such deceased person. The payment of such sum of money, in accordance with the above provisions, shall be a full discharge and release to such Bank, Trust Company or Savings Bank for the amount of the deposit so paid.

Shall be a  
full dis-  
charge and  
release.

Section 3. All acts or parts of acts inconsistent herewith be and the same are hereby repealed.

Approved March 28, A. D. 1911.

# TITLE FOURTEENTH

## Of Courts of Justice

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### CHAPTER 260.

#### GENERAL PROVISION.

**AN ACT** Relating to the fees of certain witnesses giving testimony in the Courts of the State of Delaware.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Section 1. That hereafter the fees for witnesses testifying as experts or in the capacity of professional men in cases in the Superior Court, the Court of General Sessions, the Court of Oyer and Terminer, and the Court of Chancery within this State, shall be fixed by the Court in its discretion, and such fees so fixed shall be taxed as part of the costs in each case and shall be collected and paid as other witness fees are now collected and paid.

Fees of expert witnesses to be fixed by Court.

Shall be taxed as part of the costs.

Approved March 28, A. D. 1911.



## GENERAL PROVISION.

## CHAPTER 261.

## GENERAL PROVISION.

AN ACT to amend Chapter 236, Volume 24, Laws of Delaware entitled "An Act to fix the time for holding the Superior Court and Court of General Sessions in the several Counties in this State," by providing for the disposal of Criminal cases at the June term in Sussex County, and the July term in Kent County.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Chap. 236,  
Vol. 24,  
amended.

Section 1. That Chapter 236, Volume 24, Laws of Delaware entitled "An Act to fix the time for holding the Superior Court and Court of General Sessions in the several Counties in this State," be and the same is hereby amended by striking out the words "no jury shall be summoned" where they occur between the word "County" in the eleventh line of Section 1 of said act and the word "but" where it occurs in the twelfth line of said act, and by inserting in lieu thereof the following: "no cases shall be tried by jury except those of a criminal nature."

Words  
inserted.

Approved March 29, A. D. 1911.

## GENERAL PROVISION.

## CHAPTER 262.

## GENERAL PROVISION.

AN ACT providing for a Juvenile Court for the City of Wilmington and Defining its Powers with reference to the Care, Treatment and Control of Delinquent, Incurrible and Dependent Children.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two-thirds of all the members elected to each branch of the General Assembly concurring therein) :*

Section 1. There shall be created a special Court for the City of Wilmington, known as the Juvenile Court, which shall have sole and exclusive jurisdiction in all cases in the City of Wilmington, relating to children, including juvenile delinquents, truants, neglected, incurrible and dependent children and all other cases where the custody or legal punishment of children is in question, but said Court shall not have probate jurisdiction.

Juvenile  
Court.

Jurisdiction.

Not to have  
probate  
jurisdiction.

Section 2. This Act shall apply only to male children seventeen years of age or under and to female children eighteen years of age or under, who are not at the time of the passage of this Act, inmates of a State institution incorporated under the Laws of the State of Delaware for the care and correction of children, or of any reform school or institution for juvenile offenders.

To whom  
Act shall  
apply.

Section 3. The words "delinquent child" shall include any male child seventeen years of age or under and any female child eighteen years of age or under, who violates any law of this State or who labors when he belongs to any class excluded from laboring in any gainful occupation by the Child Labor Law of this State, or who is incurrible; or who knowingly associates with thieves, vicious or immoral persons; or who, without just cause or without the consent

The words  
"delinquent  
child" de-  
fined.

## GENERAL PROVISION.

of its parents or custodian, absents itself from its home or place of abode, or who is growing up in idleness or crime; or who, knowingly, visits or enters a house of ill-repute; or who, knowingly patronizes or visits any policy shop or place where any gaming device is or shall be operated; or who patronizes or visits any saloon or dram shop where intoxicating liquors are sold; or who patronizes or visits any pool room or bucket shop; or who wanders about the streets in the night time without being on lawful business or occupation; or who habitually wanders about any railroad yards; or who smokes or uses any cigarettes of any kind whatsoever; or who habitually uses vile, obscene, vulgar, profane or indecent language or is guilty of immoral or disorderly conduct in any public place or highway or about any school house; or who is persistently truant from school.

A juvenile delinquent

Deposition of child shall not be proper evidence in any civil or criminal proceeding

May mean one or more.

What "dependent" or "neglected" child shall mean.

Any child committing any of the acts herein-above mentioned shall be deemed a juvenile delinquent person, and shall be proceeded against as such in the manner hereinafter provided. A deposition of any child under this Act, or any evidence given in such case shall not, in any civil, criminal or other cause of proceeding whatever in any court, be lawful or proper evidence against such child for any purpose whatever, except in subsequent cases against the same child under this Act. The word "child" or "children" may mean one or more children, or the word "parent" or "parents" may mean one or both parents, when consistent with the intent of this Act.

For the purpose of this Act the word "dependent child" or "neglected child" shall mean any male child seventeen years of age or under, or any female child eighteen years of age or under, that is found begging, receiving or gathering alms (whether actually begging or under the pretext of selling or offering for sale anything) or being in any street, road or public place for the purpose of begging, gathering, or receiving alms; or that is found wandering and not having any home or any settled place of abode or proper guardianship or visible means of subsistence; or that is found

## GENERAL PROVISION.

destitute, or whose home, by reason of neglect, cruelty or depravity on the part of its parents, guardian or other person in whose care it may be, is an unfit place for such child.

Section 4. The Judge of the said Court shall be known as the Judge of the Juvenile Court, and shall be appointed by the Governor of the State of Delaware, without any regard for his political affiliations and his sole qualification shall be his fitness to be a juvenile judge. The said Judge shall hold office for a term of four years or until his successor is appointed but may be reappointed for one or more terms. The said Judge shall serve without compensation.

Judge to be appointed by the Governor.

Term of office. No compensation.

Section 5. A room shall be provided for the use of said Juvenile Court and shall be known as the Juvenile Court Room. The jurisdiction of the Juvenile Court shall extend to all cases under this Act within the corporate limits of the City of Wilmington. A special record book or books shall be kept by the Court for all cases coming within the provisions of this Act, to be known as "The Juvenile Court Record;" and the docket or calendar of the Court, upon which shall appear the case or cases, shall be known as "The Juvenile Court Docket." The clerk of the Juvenile Court shall, at the November Term of the Court of General Sessions, submit to the Court of General Sessions a report in writing upon blanks to be furnished by the Levy Court of the County, showing the number and disposition of delinquent, dependent or neglected children brought before such Court together with such other useful information regarding such cases, and the parentage of such children as may reasonably be obtained at the trial thereof, provided, that the \*same or identity of any such child or parent shall not be disclosed.

Court room to be provided.

Jurisdiction of Court.

Record shall be kept.

"The Juvenile Court Docket."

Clerk of Court shall submit report to the Court of General Sessions.

Section 6. The Clerk of the Peace for New Castle County, shall be the Clerk of the Juvenile Court and shall keep and have charge of all the dockets, records and proceedings thereof; shall issue all subpoenas for witnesses and

Clerk of the Peace shall be Clerk of Juvenile Court.

\*So enrolled.

## GENERAL PROVISION.

all other persons, required to attend the Court within the provisions of this Act.

Judge to appoint Probation Officers.

Section 7. The Judge of the Juvenile Court shall have authority to appoint or designate one or more discreet persons, man or woman, of good moral character, to serve as Probation Officers during the pleasure of the Court. Said Probation Officers shall receive no compensation for their services.

No compensation.

Judges of the Superior Court to appoint Chief Probation Officer.

The judges of the Superior Court shall appoint upon the recommendation of the said judge of the Juvenile Court, provided they consider the recommendation a proper one, one Probation Officer who shall be designated as Chief Probation Officer and who shall receive a salary of One Thousand Dollars per annum, payable monthly, and necessary expenses may be allowed such officer to an amount not exceeding two hundred dollars per annum, in the discretion of the Juvenile Judge. Said salary and expenses shall be paid, one half by the Levy Court of New Castle County and one half by the Treasurer of the City of Wilmington upon the order of the Judge of the Juvenile Court. All volunteer Probation Officers shall be directly under the control of the Chief Probation Officer, and said Chief Probation Officer, shall possess all the power and authority of the Sheriff to make arrests, and authority to go into the home of any delinquent child.

Salary.

Necessary expenses

How salary and expenses shall be paid.

Volunteer Probation Officers to be under control of Chief. Power and authority of Chief Probation Officer.

Duty of a Probation Officer.

When any child is to be brought before the Court, it shall be the duty of a Probation Officer to make investigation of such case and to be present in Court to represent the interests of the child when the case is heard, to furnish to the Court such information and assistance as the Court or Judge may require, and to take charge of any child before and after the trial, as may be directed by the Court.

May file a petition.

Section 8. Any reputable resident of the City of Wilmington, having knowledge of a child within said City who appears to be either neglected or dependent or delinquent may file with the Clerk of the Juvenile Court or with the

## GENERAL PROVISION.

Judge of the said Court a petition in writing, setting forth the facts, verified by affidavit. The petition shall set forth the name and resident of each parent, if known; and, if both are dead, or their residence unknown, then the name and residence of the legal guardian, if known, or, if not known, then the name and residence of some near relative, if there be one, and his residence, if known. It shall be sufficient that the affidavit is upon information and belief.

What the  
petition  
shall set  
forth.

Upon the filing of the petition, a summons shall issue requiring the person having custody or control of the child, or with whom the child may be, to appear with the child at a place and time stated in the summons, which time shall be not less than twenty-four hours after service. The parents of the child, if living, and their residence, if known to the petitioner, or its legal guardian, if there be one, and his or her residence, if known to the petitioner, or if there be neither parent or guardian, or if his or her residence is not known, then some near relative, if his or her residence is known to the petitioner, shall be notified of the proceedings, and in any case the Judge may appoint some suitable person to act in behalf of the child. Summons and notice may be served by the Sheriff, County Constable, or any duly appointed Probation Officer, either by reading the same to the person or persons to be served, or by delivering a copy thereof to the person or persons, or by leaving a copy thereof at his or her usual place of abode, if stated in the petition or known, with some person of his family of the age of twelve years or upward, and informing such person of the contents thereof. The return of such summons and notice, with the endorsement of service by the Sheriff, County Constable, or Probation Officer, in accordance herewith, shall be sufficient proof thereof. If the person summoned as herein provided, shall fail, without reasonable cause, to appear and abide the order of the Court, or to bring the child, he may be proceeded against as in case of contempt of Court. In case the summons cannot be served, or the party fails to obey the same, and in any case where it shall be made to ap-

Summons  
shall issue  
to person  
having cus-  
tody or con-  
trol of child.

Parents, or  
legal guard-  
ian, if there  
be such,  
shall be  
notified.

Some suit-  
able person  
may act.

Who may  
serve sum-  
mons or no-  
tice.

How sum-  
mons or no-  
tice may be  
served.

Return of  
summons or  
notice.

Neglect to  
obey sum-  
mons shall  
be contempt  
of Court.

Warrant  
may issue.

## GENERAL PROVISION.

Court shall proceed to hear the case.  
Public to be excluded.

pear to the Court that such summons will be ineffectual, a warrant may issue on the order of the Court, either against the parent or guardian or the person having the custody of the child, or with whom the child may be or against the child itself, or both. On return of the summons, or other process, or on the appearance of the child with or without summons or other process, in person, before the Court, and on return of the service of the \* (of the) notice, if there be any person notified, or upon the personal appearance or written consent of the person or persons, if any be notified, or as soon thereafter as may be, the Court shall proceed to hear and dispose of the case in an informal manner, and all hearings shall, so far as the same may be lawfully done, be had in chambers to the exclusion of the general public.

May parole the child, or cause to be placed in some institution for safe keeping.

Until the first hearing of the case by the Court, the Chief Probation Officer may parole the child upon its own recognizance, or upon recognizance of its parents or the person having the custody of the child, to appear before the Court at such time as may be therein fixed, or the Probation Officer may cause the child to be placed with some person or in some State institution for the care and correction of children selected by the Juvenile Judge to be safely kept until the date set for appearance before the Court; or if the offence with which the child is charged be either a felony or a misdemeanor, the child may be detained pending a hearing in any manner ordered by the Juvenile Judge; provided, however, that no child, under fourteen years of age shall, under any circumstances, be incarcerated in any County jail or police station. Any officer or person who knowingly violates this provision of this Act shall be guilty of a misdemeanor, and, on conviction, fined in a sum not to exceed one hundred (\$100.00) dollars.

No child under fourteen years of age shall be incarcerated in a jail or police station.  
Penalty for violation.

Shall not be taken before a Justice of the Peace or Municipal Judge.

Section 9. When any child, within the provisions of this Act, is arrested with or without warrant, it shall not be taken before a Justice of the Peace or before a Police Magis-

\*So entitled.

## GENERAL PROVISION.

trate, or Municipal Judge, but it shall be taken directly before the Juvenile Court, which Court shall, in such case, proceed to hear and dispose of the case provided, that nothing herein contained shall be construed to deprive such Justice of the Peace or such Police Magistrate or Municipal Judge or Court of Oyer and Terminer, of jurisdiction such as now exists in cases where the child is held upon the charge of having committed a capital felony.

Not to interfere with regular procedure in case of a capital felony.

Any child proceeded against, as in this Act provided shall have the right, now given to any person, to give bond or other security for its appearance at the trial.

May give bond for appearance.

Section 10. In any case of a delinquent child's coming under the provisions of this Act, the Court may continue the hearing from time to time and may commit the child to the care of a Probation Officer, and may allow said child to remain in its own home, subject to the visitation of the Probation Officer as often as may be required, and subject to be returned to the Court for further proceedings whenever such action may appear necessary; or the Court may cause the child to be placed in a suitable family home, subject to the friendly supervision of the Probation Officer and the further order of the Court; or it may authorize the child to be boarded out in some suitable family home, in case provision is made by voluntary contribution or otherwise for the payment of the board of such child, until suitable provisions be made for the child in a home without such payment; or the Court may commit such male child to the Ferris Reform School or such female child to the Delaware Industrial School for Girls; or the Court may commit the child to any institution within the County, incorporated under the Laws of the State, that may care for children, or which may be provided by the State or County or Municipality, suitable for the care of such children, or to any association or religious institution of the child's religious faith or the religious faith of its parents which may now or hereafter be established for the care of boys and girls. In no case shall a

Court may continue hearing from time to time and commit child to care of a Probation Officer.

May cause child to be placed in a suitable family.

May commit to the Ferris Reform School or Delaware Industrial School.

May be turned over to the care of an association, or religious institution.



## GENERAL PROVISION.

Not to be  
committed  
beyond the  
age of  
twenty-one.

child proceeded against, under the provisions of this Act, be committed beyond the age of twenty-one.

May be pa-  
roled with  
approval of  
Juvenile  
Court.

A child committed to any such Institution shall be subject to the control of the Board of Managers, and the said Board shall have power, with the approval of the Juvenile Court, to parole such child on such conditions as the Board of Managers may prescribe; and the Court may on the recommendation of the Board or on its own motion discharge such child from custody, whenever in the judgment of the Court, his or her reformation is complete; or the Court may commit the child to the care and custody of some association that will receive it, embracing in its objects the care of neglected or dependent or delinquent children.

May dis-  
charge child  
from cus-  
tody.

Forty cents  
per day al-  
lowed.

Any school, association or institution of this State to which a child is committed by the Court or any person or institution boarding and caring for a child under order of the Court pending hearing shall be entitled to receive for such services the sum of forty cents per day for each and every day, the said sum to be paid by the Levy Court of New Castle County. The juvenile Judge may have power to order the parent or guardian or any one having the care or custody of the child to pay the said forty cents per day due as board and if said person without reasonable cause refuses to pay the board of said child so ordered by the Court, then he or she may be proceeded against as in a case of contempt of Court.

To be paid  
by the Levy  
Court.

May order  
the parent,  
or guardian  
to pay.

May commit  
to the care  
of some re-  
putable citi-  
zen.

Section 11. When any child shall be found to be dependent or neglected, within the meaning of this Act, the Court may make an order committing the child, for such time during its minority as the Court may deem fit, to the care of some reputable citizen of good moral character, or to the care of some association, society or corporation willing to receive it. The Court may thereafter set aside, change or modify such order.

## GENERAL PROVISION.

Section 12. The Judge of the Juvenile Court may appoint a Board of reputable inhabitants, who will serve without compensation, to constitute a Board of Visitation, whose duty it shall be to visit, so often as once a year, all institutions, societies and associations receiving children under this Act. Said visits shall be made by not less than two of the members of the Board, who shall go together and make a joint report; the said Board of visitors shall report to the Court, from time to time, the condition of the children received by, or in charge of, the associations and institutions, and shall make an annual report to the Judges of the Superior Court. All children placed in families shall be visited at least twice a year by the Probation Officer or by someone appointed by the Juvenile Judge and such person shall report back to the Juvenile Judge.

Board of  
Visitation  
may be ap-  
pointed.

Duty of  
Board.

Shall make  
report.

Children  
placed in  
families  
shall be  
visited twice  
a year by  
Probation  
Officer.

Section 13. In any case where the Court shall find a child neglected, dependent or delinquent, it may, in the same or subsequent proceedings, upon the due summons of the parents of said child, or either of them, or upon their voluntary appearance, proceed to inquire into the ability of such parents or parent to support the child or contribute to its support; and if the Court shall find such persons or parent able to support the child or to contribute thereto, the Court may enter such order or decree as shall be according to equity in the premises, and may enforce the same in any way in which the Court of Equity may enforce its order or decree.

May inquire  
into ability  
of parents  
to support  
child.

Section 14. In all proceedings before the Juvenile Court, there may be allowed for the service of process or the attendance of witnesses a reasonable fee not exceeding what is allowable for like services or attendance in proceedings before a Justice of the Peace, and the Judge of the Juvenile Court may make such order upon the treasurer of the City of Wilmington for the payment thereof as he shall consider just, and he shall enforce obedience by attachment. Concerning costs of petitions, motions, rules, and other matters

Reasonable  
fee may be  
allowed for  
service of  
process, or  
attendance  
of witnesses.

May make  
an order  
upon City  
Treasurer.

Concerning  
costs, peti-  
tions, etc.

## GENERAL PROVISION.

not especially provided for, the Court shall make such order in each case as it shall deem proper, and in all cases, the Judge of the Juvenile Court may order that the costs shall be paid by the parents of a child appearing before it under the provisions of this Act, or by the City of Wilmington, as the Judge shall deem best.

Care, custody and discipline of child.

Section 15. This Act shall be liberally construed, to the end that its purpose may be carried out, to wit, that the care, custody and discipline of a child shall approximate as nearly as may be that which should be given by its parents, and in all cases where it can be properly done, the child shall be placed in an approved family home, with people of the same religious belief if this is reasonably possible, and shall become a member of the family by legal adoption or otherwise.

Section 16. All Acts or Laws inconsistent with the provisions of this Act are hereby repealed.

Approved April 4, A. D. 1911.

## GENERAL PROVISION.

## CHAPTER 263.

## GENERAL PROVISION.

AN ACT creating the Office of Probation officer providing for his appointment, defining his duties and providing for his compensation.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Section 1. That the Judges of the Supreme Court of this State shall within sixty days after the approval of this act appoint some suitable person of the State of Delaware who shall be known as and be Probation Officer, with duties as hereinafter defined, and who shall hold office during the pleasure of the Court.

Court to appoint a Probation Officer.

Section 2. That the said Probation Officer shall attend upon all sessions of the Court of General Sessions of the several Counties of this State, and shall investigate at the direction of the Judges of the said Court the previous character, antecedents and general reputation of any person under indictment before said Court, and furnish to said Court such information as they may require to determine as to whether such person shall be probated; and to investigate and report to the Court the conduct, mode of living and habits of any and all persons that may have been probated by the Court, and report the result of such investigation to the Court, and where during vacation he finds that the best interest of the public will be served by having such probation determined and ended, he shall so report to any one of the Judges of the said Court, and upon the order of said Judge he shall have power to arrest and deliver to the Sheriff of the County in which such arrest is made such person to the Sheriff to be by him held in safe custody until the next session of the Court when such person or persons shall be brought into Court for sentence.

Duties of the Probation Officer.

Power to arrest.

## GENERAL PROVISION.

Compensation of Probation Officer.

Section 3. The said Probation Officer shall be an officer of the Court, and shall receive as compensation for his services such amount as may be determined by the Court at each session thereof, and such compensation shall be paid to said Probation Officer by the County Treasurer of the County wherein such service is rendered upon the order of the Court fixing such compensation.

Approved March 28, A. D. 1911.

## OF THE COURT OF GENERAL SESSIONS.

## CHAPTER 264.

## OF THE COURT OF GENERAL SESSIONS.

AN ACT to authorize the Court of General Sessions to release on probation offenders in certain cases.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Section 1. In any case in which a person is convicted before the Court of General Sessions in this State of any offense not capital and no previous conviction is proven against him, if it appears to the Court that, regard being had to the character and antecedents of the offender, to the nature of the offense, and to any extenuating circumstances under which the offense was committed, it is expedient that the offender be released on probation of good conduct, the Court may direct that he be released on his entering into a recognizance, with or without surety, and, during such period as the Court may direct, to appear and receive sentence when called upon, and in the meantime to keep the peace and be of good behavior; and the Court may, if it thinks proper, direct that the offender shall pay the costs of the prosecution or such portion of the same as may be directed by the Court. At any time within the period mentioned in the recognizance, but not afterwards, the Court may, upon being satisfied by information on oath that the offender has failed to observe any of the conditions of his recognizance, issue process for his apprehension and thereupon, without any further proceedings, impose sentence upon him.

Court authorized to release on probation.

Offender may be required to pay costs.

Where offender fails to observe conditions of recognizance.

Section 2. The Court also, in such cases as it shall deem proper, where a defendant has pleaded guilty in any case before it of any offense not capital, in view of the antecedents and character of the offender, of the nature of the offense,

May be permitted to withdraw plea of guilty and be released on probation.

## OF THE COURT OF GENERAL SESSIONS.

Failure to  
observe con-  
dition of re-  
cognizance.

and of any extenuating circumstances, may allow such person to withdraw such plea of guilty, and may release such person on probation of good conduct, upon his entering into a recognizance, with or without surety, and, during such period as the Court may direct, to appear and stand trial when called upon, and in the meantime to keep the peace and be of good behavior. At any time within such period, but not afterwards, the Court may, upon being satisfied by information on oath that such person has failed to observe any of the conditions of his recognizance, issue process for his apprehension, and thereupon order him to stand trial for such former offense.

Applicable  
to both  
males and  
females.

Section 3. That this act shall be applicable to males and females alike, and shall go into force from the date of its approval.

Approved March 20, A. D. 1911.

## OF THE COURT OF CHANCERY.

## CHAPTER 265.

## OF THE COURT OF CHANCERY.

AN ACT to Amend Chapter 95 of the Revised Code, Laws of Delaware.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, that* Section I of Chapter 95 of the Revised Code, Laws of Delaware, be and the same is hereby amended by adding thereto, as a separate paragraph, the following :

Sec. 1, Chap.  
95, Revised  
Code  
amended.

The chancellor shall also have power, by general rules made and promulgated by him from time to time, whether the same be according to the course of Chancery practice in England or otherwise, to regulate the taking of testimony, to provide for the taking of testimony orally before the Court, to expedite the hearing, to modify, prescribe and regulate the force, effect and procedure of hearings upon Bill and Answer and generally for regulating the practice of said Court, in all matters and causes in Equity.

Power given  
the Chan-  
cellor to  
regulate the  
practice of  
the Court.

Approved March 1, A. D. 1911.



# TITLE SIXTEENTH

## Of Civil Actions in General

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### CHAPTER 266.

#### OF BAIL.

AN ACT concerning the disposition of the Monies recovered upon Bail Bonds and recognizances taken for the appearance of persons in the Court of General Sessions of the State of Delaware, in and for New Castle County, or in the Court of Oyer and Terminer of the State of Delaware, in and for New Castle County, and concerning the disposition of a portion of the Monies paid as fines by persons convicted of crime in either of said Courts.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Certain monies to be set apart to maintain law library in New Castle County.

Section 1. From and after the passage of this Act all monies recovered upon forfeited bail bonds and recognizances taken for appearance in the Court of General Sessions of the State of Delaware in and for New Castle County and in the Court of Oyer and Terminer of the State of Delaware in and for New Castle County, and twenty-five per cent of all monies paid as fines by persons sentenced for crime in either of said Courts, shall be set apart and kept in a fund which shall be used from time to time to acquire, maintain and care for a law library for the use of the Judges of the Courts in New Castle County.

Prothonotary to be custodian of the fund.

Section 2. The Prothonotary of New Castle County shall be the custodian of said fund and every officer of this State or of New Castle County, to whom shall be paid any

## OF BAIL.

monies by this Act made a part of said fund, shall pay the same, when and as received, to said Prothonotary of New Castle County as said custodian.

Officers to pay over to Prothonotary.

Section 3. Said Prothonotary shall keep such fund subject to the order and control of the Chancellor, Chief Justice and Associate Judges of the State of Delaware, who shall use and expend such fund from time to time for the acquisition and maintenance of the law library provided for in the first section of this Act.

Fund to be kept subject to order of Chancellor and Judges.

Said Judges shall have entire control and supervision over said law library with full power to purchase books and to do any and all acts necessary or desirable for the acquisition, maintenance and care of said law library, and may use said fund for such purpose.

Judges to have entire control and supervision.

Section 4. Said fund shall be expended by the Prothonotary for the purpose aforesaid upon the written order or orders of any two of said judges and such order or orders shall be his sufficient warrant in this behalf.

Fund shall be expended upon written order.

Approved April 19, A. D. 1911.

## OF ATTACHMENTS.

## CHAPTER 267.

## OF ATTACHMENTS.

AN ACT providing for the Commencement of Actions against unincorporated Associations transacting business in this State by Attachment Process.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Writ of attachment may issue.

Section 1. That a writ of attachment may be issued in any action brought against any unincorporated association of persons using a common name (ordinary partnership excepted) transacting business in this State by such common name, upon affidavit made by the plaintiff or some creditable person or any officer of any plaintiff corporation, and filed with any Prothonotary or Justice of the Peace of this State, that the defendant is an unincorporated association of persons using a common name, and not being an ordinary partnership, transacting business in this State, and that the plaintiff has a good cause of action against the defendant; and the said plaintiff shall also make affidavit of the amounts of the debt or damages which he claims to be due to him from the said defendant, provided, however, that nothing in this Act shall confer jurisdiction upon any Justice of the Peace where the debt, not including the interest claimed to be due on said debt, or the damages, exceeds the sum of Two Hundred Dollars.

What the affidavit shall set forth.

Jurisdiction of Justice of the Peace.

If issued by a Prothonotary.

If issued by a Justice of the Peace.

Section 2. The said writ, if issued by a Prothonotary shall be framed, directed, issued, executed and returned and like proceedings had as in cases of foreign attachment now authorized by law, and the said writ, if issued by a Justice of the Peace, shall be framed, directed, issued, executed and returned and like proceedings had as in cases of attachment

## OF ATTACHMENTS.

now authorized by law before Justices of the Peace, except as is herein otherwise provided.

Section 3. Any Sheriff, constable or other officer executing any writ of attachment under the provisions of this act may attach the lands and tenements, goods and chattels, rights and credits, moneys and effects of the defendant association. What may be attached.

Section 4. Any sheriff, constable or other officer executing any writ of attachment under the provisions of this act may also attach the lands and tenements, goods and chattels, rights and credits, moneys and effects of any or all of the individuals composing such association in the same manner as if they had been made parties defendant by their individual names. May attach property of any or all members of such association.

Section 5. Every writ issued under the provisions of this Act shall have endorsed thereon by the plaintiff, or his attorney, the amount of bail to be taken in such case. Any Prothonotary, Justice of the Peace or other person taking bail in any proceeding under this act shall require the person going bail to justify in the amount so endorsed upon the said writ. Amount of bail to be endorsed on writ. Person going bail.

Approved April 4, A. D. 1911.

## OF PLEADING AND PRACTICE IN CIVIL ACTIONS.

## CHAPTER 268.

## OF PLEADING AND PRACTICE IN CIVIL ACTIONS.

AN ACT relative to Bail Bonds when ordered forfeited by the Court, and amending Chapter 106 of the Revised Code of 1852, as amended and published in 1893.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Chap. 106,  
Revised Code  
amended.

Section 1. That Chapter 106 of the Revised Code of 1852, as amended and published in 1893, be and the same is hereby amended by striking out of said Chapter 106 all of Section 7 thereof, and by inserting in said Chapter in lieu of said section so stricken out the following to be a new section 7 thereof, viz:

Whenever  
Court shall  
adjudge a  
bail bond,  
etc., for-  
feited.

"Section 7. Whenever the Court shall order and adjudge a bail bond, recognizance, or bond to keep the peace, or for the appearance of a defendant or of a witness, in the Court of General Sessions, in the Court of Oyer and Terminer, in the Superior Court or in the Supreme Court, forfeited, then in any action on such forfeited bail bond, recognizance or bond to keep the peace, or for the appearance of a defendant or of a witness as aforesaid, if a copy of such bail bond, bond or recognizance shall have been filed on or before the return day of the writ sued out in such action, and the service of such writ be duly verified, the Attorney General, or any other Attorney, on behalf of the State, or plaintiff, shall be at liberty to move for judgment in open Court on the last day of the term to which such writ is returnable, unless the defendant or one of the defendants, if there be more than one, or some one for such defendant or defendants, shall have filed an affidavit of defense in said action stating there-

Attorney  
General, or  
other attor-  
ney, may  
move for  
judgment.

Affidavit of  
defense.

OF PLEADING AND PRACTICE IN CIVIL ACTIONS.

in the nature and character of the same. It shall be the duty of the Attorney General to sue upon and collect all such forfeited bail bonds, recognizance or bonds." <sup>Attorney General shall sue and collect.</sup>

Approved April 27, A. D. 1911.

# TITLE SEVENTEENTH

## Of Proceedings in Special Cases.

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### CHAPTER 269.

#### OF LANDLORD AND TENANT.

AN ACT to provide for the extinguishment of Ground Rents in the State of Delaware.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :*

Extinguish-  
ment of  
ground rents.

Section 1. That in all cases where lands, lots, tenements or other real estate situated in the State of Delaware, have been, or which may hereafter be granted by deed or other assurances in the law, whereby the grantor or grantors, has or have reserved or may hereafter reserve to himself or themselves, his or their heirs or assigns any ground-rent or other rent, and in said deed or other assurance there was granted, or may hereafter be granted the privilege of demanding a release or extinguishment of said ground-rent or other rent on payment of a sum of money or other equivalent specified in such deed or other assurance, and where such grantor or other person entitled to such ground-rent or other rent, has died or in any other manner the right to the said ground-rent or other rent has become vested or may become vested in any other person or persons who would be or might be authorized to release or extinguish the same, and the grantee or grantees his or their heirs or assigns or other person or persons entitled to own, hold and enjoy the said lands, lots, tenements or other real estate has paid or has

## OF LANDLORD AND TENANT.

caused to be paid, or may hereafter pay or cause to be paid to the said grantor or grantors, his or their heirs or assigns or the person entitled, either by installments or otherwise, the said principal sum of money specified in said deed or other assurance, together with all interest and charges due thereon, and after such payment in full as aforesaid, the said grantor or grantors, his or their heirs or assigns or other person or persons who would be entitled or who are or who might be lawfully authorized under the laws of the State of Delaware, have failed, refused, neglected or omitted, or who shall fail, refuse, neglect or omit to release and extinguish the said ground-rent or other rent after such payment as aforesaid, the grantee of the whole or the grantee of any part of the said lots, lands, tenements or other real estate on which the said ground-rent or other rent was or might be chargeable, his or their heirs or assigns or other person or persons entitled to own, hold and enjoy the same or any part thereof, may present a petition to the Superior Court of the State of Delaware in and for the County where the said deed or other assurance is recorded, setting forth the facts, obtain from the said Superior Court, a rule on the said grantor or on his heirs or assigns, or on any other person or persons who might or would be entitled thereto, returnable to the said Superior Court at such time as the said Court may direct and appoint, requiring the said grantor or his heirs or assigns or other person or persons who would be entitled as aforesaid, to show cause if any they may have why such ground-rent or other rent should not be released and extinguished.

Grantee may  
petition to  
the Superior  
Court.

Rule to show  
cause.

Service of summons shall be by Scire Facias, and shall be served in the same manner as now provided by law for service of writs of Scire Facias. .

Summons.

In case the grantor who was entitled to receive the said ground-rent or other rent and principal sum of money as aforesaid, his heirs or assigns or other person or persons who would or might be entitled as aforesaid has died or is a

In case ser-  
vice cannot  
be made  
rule shall be  
continued.



## OF LANDLORD AND TENANT.

Publication  
to be made.

Advertis-  
ment suffi-  
cient ser-  
vice of sum-  
mons.

Rule made  
absolute.

Court may  
order full re-  
lease and ex-  
tinguish-  
ment.

Act to in-  
clude con-  
veyances  
heretofore  
as well as  
hereafter  
made.

non-resident of the State of Delaware, or for any other reason service of summons cannot be made, the rule shall be continued to a subsequent term of the said Court, and a copy thereof shall be published by the Sheriff of the County, in a newspaper circulating therein, once each week for four weeks immediately preceding the first day of the term of Court to which the said rule is returnable, and on proof of such advertisement by affidavit of the said Sheriff made at the time to which said rule has been continued, such advertisement shall be taken and considered sufficient service of the summons and such rule.

Section 2. That on the return of said rule if the said Court shall be satisfied after hearing the evidence in the cause, that the principal sum of money secured by said ground-rent or other rent has been paid in full to the proper parties entitled to receive the same, together with all interest and charges thereon, the Court shall make said rule absolute, and decree that all money due thereon has been paid in full, and shall order and direct the Recorder of Deeds of the said County to enter on the record of the deed or other assurance of said ground-rent or other rent, full release and extinguishment thereof.

Section 3. That the provisions of this Act shall operate on and include all conveyances of land heretofore made and charged as aforesaid, as well as all conveyance of land hereafter made and charged as aforesaid.

Section 4. That all acts or parts of acts inconsistent with, or repugnant to the provisions of this act be and the same are hereby repealed.

Approved April 4, A. D. 1911.

# TITLE TWENTIETH

## Of Crimes and Punishments.

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### CHAPTER 270.

#### OFFENCES AGAINST THE LIVES AND PERSONS OF INDIVIDUALS.

AN ACT to amend Section 10 of Chapter 127 of the Revised Code of 1893 of the State of Delaware entitled "Offences against the lives and persons of individuals."

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Section 1. That Chapter 127 of the Revised Code of 1893 entitled "Offences against the lives and persons of individuals" be amended in the tenth section by adding, at the end of said section, after the word "death," the words, "provided, however that if the jury at the time of rendering their verdict, shall recommend the defendant to mercy, the court may, if it seems proper to do so, impose the sentence of life imprisonment instead of death."

Chap. 127.  
Revised Code  
amended.

Court may  
upon recom-  
mendation  
of mercy im-  
pose sen-  
tence of life  
imprison-  
ment instead  
of death.

Approved February 14, A. D. 1911.

## OFFENCES AGAINST THE LIVES AND PERSONS OF INDIVIDUALS.

## CHAPTER 271.

## OFFENCES AGAINST THE LIVES AND PERSONS OF INDIVIDUALS.

"AN ACT to Amend Section 14, Chapter 127, of the Revised Statutes of the State of Delaware, Relating to Offences against the Lives and Persons of Individuals."

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Sec. 14.  
Chap. 127.  
Revised  
Statutes  
amended.  
Word  
"Twelve"  
inserted.

Section 1. That Section 14 of Chapter 127 of the Revised Statutes of the State of Delaware be and the same is hereby amended by striking out the word "Six" in the eighth line thereof, and inserting in lieu thereof the word "Twelve."

Approved February 27, A. D. 1911.

## OFFENCES AGAINST THE LIVES AND PERSONS OF INDIVIDUALS.

## CHAPTER 272.

## OFFENCES AGAINST THE LIVES AND PERSONS OF INDIVIDUALS.

AN ACT for the protection of employees of Railway Companies within this State.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :*

Section 1. Every corporation operating a street surface railway in this State shall cause the front and rear platforms of every car propelled by electricity, cable or compressed air, during the months of November, December, January, February, March and April, except cars attached to the rear of other cars, to be enclosed from the front and at least one side of the platform to the hood, so as to afford protection to any person stationed by such corporation on such platforms to perform duties in connection with the operation of such cars. Platforms of cars on such street surface railways used outside the limits of a city or town shall be completely enclosed from platform to hood.

Railway Companies to afford proper protection to employees.

Shall be completely encased.

Section 2. Every corporation using and operating a car in violation of this Act shall be deemed guilty of a misdemeanor, and upon conviction thereof in the Court of General Sessions of this State, shall pay a fine of Twenty-five Dollars per day for each car so used and operated contrary to the provisions of this Act.

Penalty for violation of act.

Section 3. All new cars which may be installed by any Street Railway after the passage of this Act shall be equipped according to the provisions of Section 1 of this Act. At least fifty per centum of the cars at present used by any Street Railway shall be equipped according to the provisions of Section 1 of this Act on or before January 1, 1912; and

All new cars to be equipped.

50 per cent. to be equipped before January 1, 1912.

## OFFENCES AGAINST THE LIVES AND PERSONS OF INDIVIDUALS.

Remaining  
50 per cent.  
before Jan-  
uary 1, 1913.

the remaining fifty per centum of said cars at present in use shall be equipped in accordance with the provisions of Section 1 of this Act on or before January 1, 1913.

Approved April 4, A. D. 1911.

OFFENCES AGAINST PRIVATE PROPERTY.

CHAPTER 273.

OFFENCES AGAINST PRIVATE PROPERTY.

"AN ACT to Amend Section 8, Chapter 128, of the Revised Statutes of the State of Delaware, Relating to Offences against Private Property."

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Section 1. That Section 8 of Chapter 128 of the Revised Statutes of the State of Delaware be, and the same is hereby amended by striking out the word "ten" in the last line thereof and inserting in lieu thereof the word "twenty."

Sec. 8,  
Chap. 128,  
amended.  
Word  
"twenty"  
inserted.

Approved February 27, A. D. 1911.

## OFFENCES AGAINST PRIVATE PROPERTY.

## CHAPTER 274.

## OFFENCES AGAINST PRIVATE PROPERTY.

AN ACT for the protection of Game by prohibiting dogs from running at large during certain seasons of the year in any portion of Sussex County outside the corporate limits of incorporated towns.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :*

No dog to run at large outside of towns in Sussex County from March first to Oct. first unless muzzled.

To be kept secure on the premises, or muzzled.

Proviso.

Section 1. That from and after the approval of this Act it shall be unlawful for the owner of any dog to permit such dog to run at large outside the corporate limits of any incorporated town in Sussex County between the first day of March and the first day of October in each year, unless muzzled. Such owner or owners are hereby required to keep their dogs in some secure place on their own premises during the time aforesaid, or securely muzzled; provided that dogs accompanied by their owner and under the control of such owner shall not come within the provisions of this Act.

Fine of \$5 for first offense. Not more than \$10 for each succeeding offense.

May be killed if not muzzled, or bearing some mark to identify the owner.

Section 2. If any person or persons shall violate the provisions of this Act, he, she or they shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall for the first offense be fined in a sum not exceeding five dollars, and for each succeeding offense be fined a sum not exceeding ten dollars. It shall be lawful for any person to kill any dog not having a collar or other mark to identify its owner, or not being muzzled, which may be running at large from the first day of March until the first day of October in each year inclusive.

Section 3. This act shall apply to Sussex County only.

Approved April 13, A. D. 1911.

## OF OFFENCES AGAINST PUBLIC JUSTICE.

## CHAPTER 275.

## OF OFFENCES AGAINST PUBLIC JUSTICE.

AN ACT to Amend Chapter 548, of Volume 16, Laws of Delaware, entitled "An Act Providing for the Punishment of Persons carrying Concealed Deadly Weapons," as the same has heretofore been amended or supplemented.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :*

Section 1. That Section one of said Chapter 548, Volume 16, Laws of Delaware, with its amendments and various supplements, be and the same is hereby amended by striking out all of said Section beginning with the word "Provided" in the eighth line thereof, and by inserting in lieu of said word so stricken out in said Section one, the following:

"Provided, however, that any person of full age and good moral character, desiring to be licensed to carry a concealed deadly weapon or weapons for the protection of his person or property, may be licensed to do so when the following conditions have been strictly complied with:

Such person shall make application \*therefore in writing, and file the same with the Clerk of the Peace of the proper County, at least fifteen days before the then next session of the Court of General Sessions, clearly stating that he is a person of full age; that he is desirous of being licensed to carry a concealed deadly weapon or weapons for the protection of his person or property or both, also stating his residence and occupation;

At the same time every such person shall file, with the Clerk of the Peace aforesaid, a certificate of five respectable

Sec. 1. Chap.  
548. Vol. 16,  
amended.

May be licensed to carry concealed deadly weapons, upon conditions.

Shall file application.

When.

Shall state reasons.

Residence and occupation.

Shall file a certificate of five respectable citizens.

\*So enrolled.



## OF OFFENCES AGAINST PUBLIC JUSTICE.

What certificate shall state.

citizens of the election district in which such applicant resides at the time of filing his said application; which certificate shall clearly state that the applicant is a person of full age, sobriety and good moral character, that he bears a good reputation for peace and good order in the community in which he resides and that the carrying of a concealed deadly weapon or weapons by the applicant, is necessary for the protection of said applicant or his property or both; said certificate shall be signed with the proper signatures and in the proper handwriting of each such respectable citizen;

Shall be properly signed.

Shall be verified by oath or affirmation

Every such applicant shall file in the office of the Clerk of the Peace of the proper county his application as aforesaid, verified by his oath or affirmation in writing taken before an officer authorized by the Laws of the State of Delaware, to administer the same and shall under such verification state that his certificate and recommendation was read to or by the signers thereof and that the signatures thereto are in the proper and genuine handwriting of each;

Shall pay for license when application is filed.

At the time he files his said application, he shall pay to the Clerk of the Peace the full tax for said license, and also a fee of One Dollar to the Clerk of the Peace for issuing the same, together with his proportionate share of the cost of advertising his said notice of making said application;

Clerk of the Peace shall cause notice to be published.

When and how published

The Clerk of the Peace of the County in which any applicant for a license as aforesaid files the same, shall cause notice of every such application to be published once, at least ten days before the then next session of said Court of General Sessions, said publication to be made in a newspaper published daily (Sundays excepted) if such there be, in the County, otherwise, once in any newspaper of the County, in making such publication it shall be sufficient for said Clerk of the Peace to do the same as a list in alphabetical form, stating therein simply, the name, and residence of each applicant respectively;

## OF OFFENCES AGAINST PUBLIC JUSTICE.

The Clerk of the Peace of the County in which such application for license is made, shall lay before the said Court of General Sessions, at its then next session, all applications for the license aforesaid, together with the certificate and recommendation accompanying the same, filed in his office, on the first day of the Term of said Court next succeeding the day of such application;

Clerk of the Peace shall lay before Court all applications, etc.

Said Court may or may not, in its discretion, approve of any such application, and in order to satisfy the judges thereof fully in regard to the propriety of approving the same, may receive remonstrances and hear evidence and arguments for and against the same, and establish general rules for that purpose;

Court may or may not approve.

May hear argument for and against.

If any application shall be approved, as herein provided, the Court shall endorse the word "Approved" thereon and sign the same with the date of approval. If not approved, said Court shall endorse thereon, the words "Not approved" and sign the same; it shall be the duty of the Clerk of the Peace, immediately after any such application has been so approved, to issue a proper license, signed as other State licenses are, to said applicant for the purposes aforesaid for a term of one year from the date of such approval. The price or fee to the State for every such license shall be the sum of Two Dollars; and it shall be the duty of the Secretary of State to prepare blank forms of license to carry out the purposes of this Act, and to issue the same as required, to the several Clerks of the Peace of the Counties of this State; and provided further, however, that the provisions of this section as hereby amended, shall not apply to the carrying of the usual weapons by the Police or other Police Officers."

Endorsement of application.

Clerk of the Peace to issue license upon approval.

Fee of two dollars.

Secretary of State to prepare blank forms of license.

Not to apply to Police or Peace Officers.

Approved March 14, A. D. 1911.

## OF OFFENCES AGAINST RELIGION, MORALITY AND DECENCY.

## CHAPTER 276.

## OF OFFENCES AGAINST RELIGION, MORALITY AND DECENCY.

AN ACT in relation to Pimping; to define and prohibit the same, and providing for punishment thereof; and for the competency of certain evidence at the trial therefor.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Pimping,  
and the pen-  
alty imposed  
for same

Section 1. Any male person who, knowing a female person to be a prostitute, shall live or derive support or maintenance, in whole or in part, from the earnings or proceeds of the prostitution of such prostitute, or from moneys loaned or advanced to or charged against such prostitution by any keeper or manager or inmate of a house or other place where prostitution is practiced or allowed, or who shall tout or receive compensation for touting for such prostitute, shall be guilty of a felony, to wit: pimping, and upon conviction for an offense under this act shall be punished by imprisonment for a period of not less than one year nor more than three years.

Term of im-  
prisonment.

Such female  
a competent  
witness.

Section 2. Any such female person referred to in the foregoing section shall be a competent witness in any prosecution under this act to testify for or against the accused as to any transaction or as to any conversation with the accused or by him with another person or persons in her presence; notwithstanding her having married the accused before or after the violation of any of the provisions of this act, whether called as a witness during the existence of the marriage or after its dissolution.

Marriage not  
a bar

Approved March 24, A. D. 1911.

OF OFFENCES AGAINST RELIGION, MORALITY AND DECENCY.

CHAPTER 277.

OF OFFENCES AGAINST RELIGION, MORALITY AND DECENCY.

AN ACT in relation to Pandering; to define and prohibit the same, to provide for punishment thereof; for the competency of certain evidence at the trial therefor.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Section 1. Any person who shall procure a female inmate for a house of prostitution, or who, by promises, threats, violence, or by any device or scheme, shall cause, induce, persuade or encourage a female person to become an inmate of a house of prostitution, or shall procure for a female person a place as inmate in a house of prostitution or as an inmate of any place in which prostitution is encouraged or allowed within this State, or any person who shall, by promises, threats, violence or by any device or scheme, cause, induce, persuade or encourage an inmate of a house of prostitution or any other place in which prostitution is encouraged or allowed to remain therein as such inmate, or any person who shall, by fraud or artifice, or by duress of person or goods, or by abuse of any position of confidence or authority, procure any female person to become an inmate of a house of ill-fame, or to enter any place in which prostitution is encouraged or allowed within this state, or to come into this state or leave this state for the purpose of prostitution, or who shall receive or give, or agree to receive or give, any money or thing of value for procuring, or attempting to procure, any female person to become an inmate of a house of ill-fame within this state, or to come into this state or leave this state for the purpose of prostitution, shall be guilty of a felony, to wit: pandering, and upon conviction for an offense under this act shall be punished by imprison-

Pandering, and the penalty imposed for same.

## OF OFFENCES AGAINST RELIGION, MORALITY AND DECENCY.

Term of imprisonment.      ment for a period of not less than one year nor more than ten years.

Female person persuaded or procured a competent witness.

Section 2. Any such female person referred to in the foregoing section shall be a competent witness in any prosecution under this act to testify for or against the accused as to any transaction or as to any conversation with the accused or by him with another person or persons in her presence, notwithstanding her having married the accused before or after the violation of any of the provisions of this act, whether called as a witness during the existence of the marriage or after its dissolution.

Marriage not a bar.

Approved March 24, A. D. 1911.

OF OFFENCES AGAINST PUBLIC POLICY.

CHAPTER 278.

OF OFFENCES AGAINST PUBLIC POLICY.

AN ACT for the punishment of persons detaining property of public libraries after notice in writing to return the same.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Section 1. Whoever wilfully detains a book, newspaper, magazine, pamphlet, or manuscript which belongs to a public or incorporated library for thirty days after a notice in writing from the librarian thereof, given after the expiration of the time which, by the regulations of such library, such book, newspaper, magazine, pamphlet or manuscript may be kept, shall be guilty of a misdemeanor and on conviction thereof shall be punished by a fine of not less than one nor more than twenty-five dollars or by imprisonment for not more than thirty days.

Unlawful to  
detain book,  
magazine,  
etc., after  
notice.

Penalty.

Approved March 7, A. D. 1911.

## OF OFFENCES AGAINST PUBLIC POLICY.

## CHAPTER 279.

## OF OFFENCES AGAINST PUBLIC POLICY.

AN ACT to Repeal an Act entitled, "An Act to Prevent the Accomplishment of Frauds upon the General Assembly by Means of Deceptive and Tricky Amendments or Additions to Acts." Being Chapter 785, Volume 19, Laws of Delaware.

Preamble. Whereas, on the fifth day of May, A. D. 1893, the General Assembly of this State passed the above entitled Act, whereby all Sections and parts of Sections of any Act heretofore passed by the General Assembly at its then present session, not germane to the body of the Act or which were foreign to the purpose of the Act, were repealed, revoked and made null and void; and

Preamble. Whereas, by Section 16, of Article 11 of the Constitution of this State, it is provided that "No bill or Joint Resolution, except bills appropriating money for public purposes, shall embrace more than one subject, which shall be expressed in its title;" and

Preamble. Whereas Further, the above mentioned Act, which only applied to laws enacted at said session of the General Assembly of A. D. 1893, has since been superseded by the above stated Constitutional Provision, and the Revised Code Commission considers that said Act ought to be repealed, therefore,

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Chapter 785,  
Vol. 19, re-  
pealed.

Section 1. That an Act entitled "An Act to Prevent the Accomplishment of Frauds upon the General Assembly by

OF OFFENCES AGAINST PUBLIC POLICY.

Means of Deceptive and Tricky Amendments or Additions to Acts," being Chapter 785, Volume 19, Laws of Delaware, be and the same is hereby repealed.

Approved April 4, A. D. 1911.



## GENERAL PROVISIONS CONCERNING CRIMES AND PUNISHMENTS.

## CHAPTER 280.

## GENERAL PROVISIONS CONCERNING CRIMES AND PUNISHMENTS.

AN ACT to Amend "An Act to Provide for the Arrest of Persons violating the Laws of this State, and to appropriate money to pay for such arrests," being Chapter 345 of Volume 15 of the Laws of Delaware, by increasing the Reward for the arrest of Criminals.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :*

Sec. 1, Chap.  
345, Vol. 15,  
amended.

Section 1. That Section 1, of Chapter 345, Volume 15, of the Laws of Delaware, being "An Act to provide for the arrest of persons violating the Laws of this State, and to appropriate money to pay for such arrests" be and the same is hereby amended by striking out the words "Five Hundred" in line 17 thereof, and inserting in lieu thereof the words "Two Thousand."

Words "Two  
Thousand"  
inserted.

Approved February 27, A. D. 1911.

## RESOLUTIONS

### CHAPTER 281.

**JOINT RESOLUTION** in relation to the Acts of "The Council" and Municipal Officers of "The Mayor and Council of Wilmington."

Whereas, in a certain cause in the Superior Court of the State of Delaware in and for New Castle County, wherein Walter Rash was the Respondent Below and Benjamin B. Allen was the Contestant Below, known and designated as No. 71, September term, A. D. 1909, the said Court on the Seventh day of June, A. D. 1910 rendered a certain judgment reversing the judgment of "The Council" theretofore rendered; and Preamble.

Whereas, in a certain cause in the Superior Court of the State of Delaware in and for New Castle County, wherein Howard D. Ross was the Respondent Below and Charles M. Allmond was the Contestant Below, known and designated as No. 72, September term, A. D. 1909, the said Court, on the Seventh day of June, A. D. 1910 rendered a certain judgment reversing the judgment of "The Council" theretofore rendered; and Preamble.

Whereas, doubts have arisen as to the effect of said judgments upon the official standing and validity of the Acts of "The Council" and other Municipal Officers of "The Mayor and Council of Wilmington," returned as elected on Saturday, the Fifth day of June, A. D. 1909; Preamble.

Now therefore for remedy thereof:

*Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met (two thirds of all the members elected to each House thereof concurring therein):*

## RESOLUTIONS.

Acts of City  
Council of  
Wilmington  
made valid  
and good  
in law.

That all and every, the acts, matters and things, done and performed, by each and every, "The Council" and the Municipal Officers of "The Mayor and Council of Wilmington," returned as elected on the First Saturday in June, A. D. 1909, from the First day of July, A. D. 1909 to the date of the approval hereof, be and the same are hereby made valid and good in the law, as if the "The Council" and the Municipal Officers aforesaid had been duly and legally elected at said election; provided, however, that nothing herein contained shall be construed so as to affect in any way the said Judgments or the rights of the said Walter Rash and the said Howard D. Ross under the said judgments; and provided, however, further, that nothing herein contained shall validate and make good in the law, any act, matter or thing which would have been illegal or invalid had "The Council" and Municipal Officers, aforesaid, been regularly and legally elected, but any and all such acts, matters and things shall be and remain in the law the same as before the adoption and approval of this Resolution.

Proviso.

Proviso.

Approved April 4, A. D. 1911.

## RESOLUTIONS.

## CHAPTER 282.

A JOINT RESOLUTION empowering the "Board of Police Commissioners," the "Street and Sewer Department," and the "Board of Water Commissioners," of the City of Wilmington, to subpoena witnesses.

*Be it Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Section 1. That the "Board of Police Commissioners," the "Street and Sewer Department," and the "Board of Water Commissioners" of the City of Wilmington, be, and the same are hereby authorized, and shall have power to issue process to compel the attendance of witnesses and also the production of books, papers and any other evidence before each of said Boards at such times and places as either of said Boards may designate, for the purpose of investigating such matters as may properly come before said Boards respectively. Each member of each of said Boards is hereby authorized to administer oaths and affirmations to witnesses called before the Board of which he is a member at any time or in any place. All process necessary under the provisions of this Resolution shall be directed to the Sheriff of New Castle County.

Shall have power to issue process and compel attendance of witnesses.

Any member may administer oath.

Process to be directed to the Sheriff.

Section 2. It shall be the duty of the "Board of Police Commissioners," the "Street and Sewer Department," and the "Board of Water Commissioners" of the City of Wilmington, to transmit to the Mayor and Council of Wilmington a certified list giving the names of the witnesses summoned under the provisions of this Resolution, the time occupied in attendance and the distance travelled by them respectively. Said list shall be transmitted to the Mayor and Council of the City of Wilmington within ten days after any hearing before either of said Boards for which such witnesses were subpoenaed, is completed, and said list shall be legal proof, and the same costs shall accrue as are now pro-

shall certify to Mayor and Council a list of witnesses.

## RESOLUTIONS.

Costs of the Sheriff.  
Fees, mileage, etc.

vided by law to be paid to witnesses for attendance at the Courts of this State. The Sheriff shall receive the same costs as are now provided by law for summoning witnesses to attend at the Courts of this State. All fees, costs and mileage incurred by the said Boards shall be paid by the Mayor and Council of Wilmington out of any money in the City Treasury not otherwise appropriated.

Fine to be imposed in case of refusal to answer.  
In default of payment of fine.

Section 3. If any witness called before said Commissioners under the provisions of this Resolution, shall refuse to testify, or to answer any question or questions asked him or her, relative, material or pertinent to the matter being investigated, such witness shall be deemed guilty of a misdemeanor and upon conviction thereof in the Court of General Sessions, shall be fined in a sum not exceeding one hundred dollars, and in default of the payment of the fine imposed, shall be imprisoned for a term not exceeding thirty days. No witness shall be permitted to withhold his testimony on the ground that it may criminate himself or subject him to public infamy; but such testimony shall not afterwards be used against him in any judicial proceeding, except for perjury in giving such testimony.

Approved March 17, A. D. 1911.

## RESOLUTIONS.

## CHAPTER 283.

A JOINT RESOLUTION appointing Commissioners to run and mark the division line between the Counties of Kent and New Castle, in a Westerly direction from the "mouth of a branch issuing from the main branch of Duck Creek" (now Smyrna River), "to the tangent or divisional line between these counties and Maryland, where the same crosses the Cypress branch."

*Be it Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

That the Governor be and he is hereby authorized and directed to appoint two suitable persons, one a resident of New Castle County and one a resident of Kent County, Commissioners, whose duty it shall be to run and mark the division line between the counties of Kent and New Castle in a westerly direction from the mouth of a branch issuing from the main branch of Duck Creek (now Smyrna River), to the tangent or divisional line between these counties and Maryland, where the same crosses the Cypress branch; and the said Commissioners are authorized to employ a surveyor to assist them in said work. That the said Commissioners shall procure and cause suitable stones to be set on said line at such distance apart as shall be deemed necessary and proper and make returns of their proceedings to the General Assembly, at its next session, regular, special or adjourned, together with a plot showing the courses and distances of said line and location of the stones by them established, and that upon the approval by the General Assembly of the return of said Commissioners the said return and plot shall be recorded in each of the Counties of Kent and Sussex, and the original thereof filed in the office of the Secretary of State. That thereupon the line so established shall be and become part of the line between the said counties, and the record of said return and plot shall be received in evidence in all questions in which the line between the said counties may arise.

Governor to appoint two Commissioners.

Duty of Commissioners.

Authorized to employ a surveyor.

Shall cause suitable stones to be set.

Shall make return to General Assembly.

Upon approval by the General Assembly.

Return and plot to be recorded.

Original filed in office of Secretary of State.

Line so established shall become part of line between the counties.

## RESOLUTIONS.

Shall receive such compensation as the General Assembly may allow.

State Treasurer shall pay for labor, costs and expenses.

Not to exceed \$500.

How payments shall be made.

The said Commissioners and surveyor shall receive such compensation as the General Assembly may determine and allow, and the laborers employed by said Commissioners and the costs and expenses incurred in securing stones for marking said line and procuring the same, shall be paid by the State Treasurer upon the written order of said Commissioners out of any money in his hands not otherwise appropriated; provided, however, that the amount shall not exceed the sum of five hundred dollars. And the sum of five hundred dollars for the payment of said laborers and of the costs and expenses incurred in securing and placing the aforesaid stones is hereby appropriated; provided, however, that no such payments shall be made by said Commissioners except in the manner now provided by law for the payment of expenses in the doing of work, the performing of labor and furnishing of material for the benefit of the State.

Approved March 30, A. D. 1911.

RESOLUTIONS.

CHAPTER 284.

JOINT RESOLUTION providing for a Commission in relation to the employment of Child Labor.

*Be it Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

That a Commission of five citizens of the State of Delaware, to be appointed by the Judges of the Superior Court of the State of Delaware, be hereby authorized and created, for the purpose of investigating the laws in relation to the employment of child labor and of preparing such law or laws in relation to child labor and the employment of children or minors in this State as the said Commission may deem necessary and advisable. Said Commission shall report to the next session of the General Assembly.

Commission of five to be appointed by the Court.

To investigate and to prepare laws in relation to child labor.

To report to next session of General Assembly.

The members of said Commission shall serve without compensation.

To serve without compensation.

Approved April 13, A. D. 1911.



## RESOLUTIONS.

## CHAPTER 285.

JOINT RESOLUTION to establish a Commission to inquire into the question of Employers' Liability.

*Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Commission to be appointed to make inquiry into the laws of other States relative to the liability of employers to employees for industrial accidents.

To make a report to the General Assembly of 1913.

Shall serve without compensation.

Necessary expenses to be allowed.

Appointments to be made in thirty days.

Governor, President pro tem. of Senate, and Speaker of the House to appoint Commissioners. Organization.

Shall have power to employ assistance.

\$1000 appropriated to defray expenses.

Section 1. There shall be appointed, in the manner hereinafter provided, a Commission consisting of six persons, whose duty it shall be to make inquiry, examination and investigation into the law of this State, and into the laws of other States, and countries, relative to the liability of employers to employees for industrial accidents. Such Commission shall submit a report to the General Assembly of 1913, and shall present at such time recommendations for such legislation as the Commission may find necessary, proper and advisable.

The members of such Commission shall serve without compensation, but each member shall be entitled to his actual and necessary expenses incurred in the performance of his duties as a member of such Commission.

The appointments of the Commissioners shall be made within thirty days after the approval of this resolution, as follows: Two of said Commissioners shall be appointed by the Governor, two by the President pro tempore of the Senate and two by the Speaker of the House of Representatives.

The Commission shall organize as soon as possible by the election of a President and Secretary.

The Commission shall have power to employ such clerical and other assistance as it shall deem necessary.

Section 2. The sum of One Thousand Dollars, or such part thereof as may be necessary, is hereby appropriated out of moneys in the State Treasury, not otherwise appropri-

RESOLUTIONS.

ated, to defray the expenses of the Commission, such sum to be paid out by the State Treasurer upon warrants signed by the President and Secretary of the Commission.

Approved April 13, A. D. 1911.

## RESOLUTIONS.

## CHAPTER 286.

A JOINT RESOLUTION to amend "Joint Resolution Relating to the Appointment of a Commission to Revise the Public Laws of this State and Codify and arrange the same under appropriate Titles," being Chapter 253, Volume 25, Laws of Delaware.

*Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Sec. 6, Chap.  
253, Vol. 25,  
stricken out.

Section 1. That Section 6 of said Chapter 253, Volume 25, Laws of Delaware, be stricken out of said Chapter 253, Volume 25, Laws of Delaware, and that the following be inserted in said Chapter as Section 6 thereof, viz:

May draw  
orders upon  
State Treas-  
urer for sum  
or sums not  
exceeding  
\$2000.

"Section 6. That the Revised Code Commission may draw orders upon the State Treasurer, for such sum or sums as may be necessary for defraying its expenses, not exceeding the sum of two thousand dollars, which sum is hereby appropriated out of any money in the State Treasury, not otherwise appropriated, and the State Treasurer, when drawn on by such orders, signed by all the Commissioners, shall pay the same to the limit fixed in this amending section."

Sec. 7, of  
Chap. 253  
Vol. 25,  
amended

Section 2. That Section 7 of said Chapter 253, Volume 25, Laws of Delaware, be amended by striking out of said Section all after the word dollars in the last line thereof and by adding to said Section 7, as hereby amended, the following, viz:

Commission  
may draw  
orders in  
their own  
favor not ex-  
ceeding sum  
of \$1250  
each.

"Provided, however, that, for the purpose of compensating the members of the Revised Code Commission as their work progresses, said Commission may draw orders upon the State Treasurer in favor of the several members of said Commission, not exceeding the sum of Twelve hundred and fifty dollars each, making a total of Thirty-seven hundred and fifty dollars, and the State Treasurer, when drawn on

## RESOLUTIONS.

by such orders as are mentioned in this amended section, signed by all the Commissioners, shall pay the same to the limit fixed in this Section 7, as hereby amended, and said sum of Thirty-seven hundred and fifty dollars is hereby appropriated for such payments, out of any money in the State Treasury, not otherwise appropriated.

Approved March 7, A. D. 1911.

## RESOLUTIONS.

## CHAPTER 287.

HOUSE JOINT RESOLUTION for the appointment of Committee to arrange for the erection of a Flag Pole on the State Administration Building.

*Be it Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met :*

Committee of three to arrange for the erection of a flag pole on the Administration Building.

That a Committee of three members of the House be appointed by the Speaker to act with a Committee of two to be appointed by the President of the Senate, on behalf of the Senate, to arrange for the erection of a flag pole on the State Administration Building recently built;

Duty of the State Librarian to fly State flag.

Be it Further Resolved, That when said flag pole is erected it shall be the duty of the State Librarian to fly thereon the State flag every day from 9 A. M. to 4 P. M. Sundays and stormy days excepted;

Shall fly the U. S. flag from State House.

Be it Further Resolved, That the State Librarian shall also fly the United States flag on the flag pole erected on the cupola of the State House every day from 9 A. M. to 4 P. M., Sundays and stormy days excepted;

State Treasurer authorized to pay necessary amount.

Be it Further Resolved, That when proper bills and vouchers are presented to him, the State Treasurer is hereby authorized and directed to pay such amounts as may be necessary to carry into effect the provisions of this resolution.

Approved March 7, A. D. 1911.

## RESOLUTIONS.

## CHAPTER 288.

**JOINT RESOLUTION** providing that the Committee of the Senate on Revised Statutes, together with the Committee of the House of Representatives on Revised Statutes, be authorized and directed to meet and sit together, in vacation, to jointly consider and report upon, at a special session of the General Assembly to be called by the Governor, "The Revision and Codification of the General Statute Laws of the State."

*Be it Resolved by the Senate and House of Representatives in General Assembly met:*

Section 1. That the Committee of the Senate on Revised Statutes, together with the Committee of the House of Representatives on Revised Statutes, be and they are hereby authorized and directed to meet and sit together in vacation, upon notice from the Revised Code Commission delivered to the respective Chairman of said Committees, and jointly consider and report upon, to a Special Session of the General Assembly to be called by the Governor, "The Revision and Codification of the General Statute Laws of the State," as prepared and submitted by said Revised Code Commission.

Committees on Revised Statutes to meet jointly upon notice.

Section 2. The sessions of said joint committees may be held at any place in the State of Delaware, to be determined upon by them, the first meeting to be held within ten days after the delivery of the notice aforesaid.

When and where sessions may be held.

Section 3. The members of said committees so jointly meeting and acting shall receive the same compensation per diem as members of the General Assembly receive for their services when in session.

Compensation of members.

Section 4. That forthwith upon the convening of a Special Session of the General Assembly of this State when called as aforesaid, said joint committees shall report to such General Assembly in Special Session convened, upon the said revision and codification of the General Statute Laws of the

Joint committees shall report to General Assembly in Special Session.

## RESOLUTIONS.

Force and  
effect of re-  
port.

State so submitted to them by said Revised Code Commission. That said report of said joint committees shall have the same force and effect as a report of such committees of either House would have if said committees had sat during a session of the General Assembly.

State Treas-  
urer author-  
ized to pay  
compensa-  
tion.

Section 5. That the State Treasurer is hereby authorized and directed to pay to the several members of said joint committees their respective compensation, as fixed and determined by said joint committees in accordance with this resolution, upon written orders drawn upon said State Treasurer, signed by the Chairmen of said committees. The sum of One Thousand Dollars is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to pay said orders.

One thous-  
and dollars  
appropri-  
ated.

Approved March 20, A. D. 1911.

## RESOLUTIONS.

## CHAPTER 289.

SENATE JOINT RESOLUTION relative to State House Commission.

*Be it Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

That the Commission appointed and constituted under the provisions of Chapter 3, Volume 25, of the Laws of Delaware, for the purpose of constructing, building and completing the State Administration and Library Building, be, and the same is hereby continued for such time as may be necessary to complete the duties imposed upon it under the terms of the aforesaid Chapter 3, Volume 25; Commission continued.

That the sum of Twenty-five Thousand Dollars, or so much thereof as may be necessary, is hereby appropriated out of the Treasury of this State to enable said Commission to furnish the aforesaid building and to equip the same with the necessary fixtures. The State Treasurer is hereby authorized and directed to pay the bills contracted by the Commission for the aforesaid purpose, to the extent of Twenty-five Thousand Dollars, or so much thereof as may be necessary, upon warrants drawn by the State Auditor, upon the presentation to him of specifically itemized vouchers approved by the officers of said Commission. \$25,000 appropriated to furnish and equip building.  
  
State Treasurer authorized to pay bills contracted upon warrants drawn by State Auditor.

Approved April 13, A. D. 1911.



## RESOLUTIONS.

## CHAPTER 290.

## JOINT RESOLUTION appropriating three thousand dollars to Rebecca A. Lore.

Preamble. Whereas, the State of Delaware, upon the adoption of the present Constitution made provision for the Judges whose life term of office might be thereby terminated, and appropriated to such Judges the sum of one thousand five hundred dollars per annum for a period of five years, should they so long live; and

Preamble. Whereas, the late Chief Justice, Honorable Charles B. Lore, was retired in the year 1909, without any like provision, therefore

*Be it Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

That in view of the distinguished and eminent services of the late Chief Justice, that the same recognition be given to him that was given to the Judges who were retired in 1897, and that the sum of three thousand dollars be, and the same is hereby appropriated out of the moneys in the State Treasury to Rebecca A. Lore, the widow of the late Chief Justice, being the amount he would have received under a like provision to that contained in the Schedule adopted with the new Constitution; such sum to be paid by the State Treasurer in quarterly instalments of three hundred and seventy-five dollars, beginning April first, A. D. 1911, until the same is fully paid; and in case of the death of the said Rebecca A. Lore before said sum of three thousand dollars is fully paid, the remaining instalments thereof to be paid to any child she may leave surviving her.

Three thousand dollars appropriated to Rebecca A. Lore.

To be paid in quarterly instalments.

In case of her death balance to be paid to surviving child.

Approved March 29, A. D. 1911.

RESOLUTIONS.

CHAPTER 291.

**JOINT RESOLUTION** relating to the investigation by The Delaware Commission for the Blind, of Deaf, Dumb and Idiotic persons and all other Defectives in the State of Delaware.

Whereas the laws of this State provide for the care of the blind within this State, and Preamble.

Whereas no adequate provision is made for other defectives, and Preamble.

Whereas The Delaware Commission for the Blind is the body best qualified to make an investigation as to the needs of the said other defectives; therefore, Preamble.

*Be it Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

That the said The Delaware Commission for the Blind is hereby authorized, empowered and directed to make a thorough canvass of the deaf, dumb and idiotic persons and all other defectives within this State, with a view to ascertaining their number and needs and how they may best be cared for and assisted, and to make a written report, based on its investigation, at the next session of this General Assembly. To defray the expense of this investigation by the said Commission, the sum of five hundred dollars (\$500.00), is hereby appropriated out of the State Treasury.

Commission for the Blind authorized to make a canvass.

To report to the General Assembly.

\$500 appropriated.

Approved March 24, A. D. 1911.

## RESOLUTIONS.

## CHAPTER 292.

HOUSE JOINT RESOLUTION providing that a portrait of the late Honorable Thomas F. Bayard be hung in the Capitol.

Preamble. Whereas, the State possesses portraits of most of its Governors and several of its famous citizens; and

Preamble. Whereas, it is deemed advisable to add to said collection; and

Preamble. Whereas, the late Honorable Thomas Francis Bayard was a Senator of the United States from this State, and also Secretary of State of the United States and the first Ambassador of the United States to the Court of St. James, it is deemed fitting that in recognition of his distinguished services to the State and Nation that a portrait of him be procured and hung in the Capitol; therefore

*Be it Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Commission  
appointed to  
procure oil  
portrait of  
Hon. Thomas  
F. Bayard.

That the Governor of the State, the President pro tempore of the Senate and the Speaker of the House be and the same are hereby appointed a Commission to procure an oil portrait of the late Honorable Thomas Francis Bayard, and have the same properly marked, showing his name, public service, &c., and have the same placed in the Capitol; and

State Treas-  
urer author-  
ized to pay  
for same.

Be it Further Resolved, that the State Treasurer is hereby authorized and directed to pay out of any moneys in the State Treasury, not otherwise appropriated, on vouchers drawn by said Commission named above, an amount necessary to carry this resolution in effect.

Approved March 17, A. D. 1911.

## RESOLUTIONS.

## CHAPTER 293.

## JOINT RESOLUTION for the relief of School District Number 82 in New Castle County

Whereas, there is now on deposit in the Farmers Bank at Wilmington the sum of Two hundred and eighteen dollars and eighteen cents, which sum was placed to the credit of School District No. 82 in New Castle County as its share of the School fund in the year 1906 and has never been drawn upon; therefore

Preamble.

*Be it resolved by the Senate and House of Representatives in General Assembly met:*

That the said sum of Two hundred and eighteen dollars and eighteen cents so being to the credit of School District No. 82 in New Castle County, shall be used by said District in the payment of teacher's salary for the school year 1910-1911, and shall be drawn out by drafts made pursuant to the provisions of "An Act concerning the establishment of a general system of Free Public Schools," and the Farmers Bank at Wilmington is hereby authorized and directed to pay said drafts out of said sum when so drawn.

For what purpose sum shall be used.

How drawn out.

Farmers' Bank authorized to pay.

Approved March 7, A. D. 1911.

## RESOLUTIONS.

## CHAPTER 294.

## HOUSE JOINT RESOLUTION relative to payment for supplies.

Preamble. Whereas, J. Frank Starling of Dover, Delaware, has furnished the State Board of Supplies with merchandise for the use of the members of the present General Assembly to the extent of about Twelve Hundred Dollars, therefore:

*Be it Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

That the State Treasurer and he is hereby authorized to pay to the said J. Frank Starling the sum of Six Hundred Dollars, to be applied to the payment of the above stated account.

State Treasurer authorized to pay J. Frank Starling \$600.

Approved February 24, A. D. 1911.

RESOLUTIONS.

CHAPTER 295.

**JOINT RESOLUTION** providing for a Committee to audit the accounts of the various State Officers and Institutions.

*Be it Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

That the Committee on accounts of the Senate and the Committee of accounts of the House be and they are hereby constituted a committee to audit the accounts of the State Treasurer, the Secretary of State, and other State officers and institutions; and they are hereby authorized to employ expert assistance, and are directed to report their findings to the General Assembly on or before March first, 1911.

Committee appointed to audit accounts of State officers and institutions.  
May employ expert assistance.  
To report to the General Assembly.

Approved February 21, A. D. 1911.

## RESOLUTIONS.

## CHAPTER 296.

HOUSE JOINT RESOLUTION providing for a Commission to investigate whether any money is due the State from certain railroad corporations.

*Be it Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Commission to be appointed to inquire and investigate as to whether any money is due the State by any railroad corporation operating within the State.

That a Commission consisting of two members of the Senate, to be appointed by the President pro tempore of the Senate, and three members of the House of Representatives, to be appointed by the Speaker of the House, be hereby created and constituted, and said Commission is hereby authorized, empowered and directed, to inquire and investigate as to whether any sum or sums of money, if any, are due and owing to the State of Delaware by or on the part of any railroad Corporation operating within the State of Delaware.

Commission to serve without pay, but shall be allowed reasonable expenses, not to exceed \$500.

The members of said Commission shall serve without pay, but the Commission shall be allowed a reasonable sum for its expenses in making such inquiry and investigation, not exceeding in the aggregate the sum of Five Hundred Dollars, such sums to be paid by the State Treasurer out of the funds in the Treasury not otherwise appropriated, upon warrants duly drawn by said Commission, and approved by the State Auditor.

Shall make report to the next session of the General Assembly.

The said Commission shall make report of its findings, together with any recommendations, to the next session of the General Assembly.

Approved April 13, A. D. 1911.

RESOLUTIONS.

CHAPTER 297.

HOUSE JOINT RESOLUTION authorizing and requesting the Governor of the State of Delaware to request of the Secretary of the Navy of the United States to deliver to the State of Delaware the figure head of the Sloop of War Delaware now at Annapolis, Maryland.

*Be it Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

That the Governor of the State of Delaware be and he is hereby authorized and requested to request of the Secretary of the Navy of the United States that a figure head of the Sloop of War Delaware, being that of a Delaware Indian, now at Annapolis, Maryland, be transferred and delivered to the State of Delaware.

Governor requested to ask the Secretary of the Navy for return of figure head.

Approved March 14, A. D. 1911.



## RESOLUTIONS.

## CHAPTER 298.

Authorizing and directing the State Board of Education to take up and consider the Higher Education of Women in this State and to report upon the same to the General Assembly at its next Session, regular, adjourned or special.

*Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Authorizing State Board to consider Higher Education of Women, and to report the same.

Section 1. That the State Board of Education is hereby authorized and directed to take up and consider the matter providing for the Higher Education of Women in this State, and to report upon the same to the General Assembly at its next Session, regular, adjourned or special, and in connection with said report to make such recommendations for said Higher Education of Women as to said Board shall seem advisable.

Power and authority.

May hold meetings.

Section 2. In making such examination, said State Board of Education is hereby clothed with full power and authority and may hold such meetings, public or private, use such means and authority as shall be necessary for it to secure the information mentioned in Section 1 of this Resolution.

General Assembly to provide for compensation.

Section 3. The General Assembly at any Session to which such report is made, as provided for in Section 1, shall provide for the compensation of the members of said State Board of Education for their services.

Approved April 13, A. D. 1911.

RESOLUTIONS.

CHAPTER 299.

HOUSE JOINT RESOLUTION authorizing the Secretary of State to have printed the Constitution of the State of Delaware.

*Be it Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

That the Secretary of State is hereby authorized to have printed in pamphlet form, with a proper index thereto, two thousand, five hundred copies of the Constitution of the State of Delaware, as amended, for distribution among the people of the State.

Secretary of  
State to have  
printed Con-  
stitution of  
the State

Approved March 28, A. D. 1911.

## RESOLUTIONS.

## CHAPTER 300.

HOUSE JOINT RESOLUTION authorizing the Secretary of State to have printed the Election Laws.

*Be it Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Secretary of  
State au-  
thorized to  
have elec-  
tion laws  
printed.

That the Secretary of State be and he is hereby authorized to have printed in pamphlet form, with an index thereto, two thousand copies of the Election and Registration Laws with the recent amendments thereto, for the information of those who register the vote and hold the elections of this State.

Approved March 28, A. D. 1911.

RESOLUTIONS.

CHAPTER 301.

HOUSE JOINT RESOLUTION Authorizing the Secretary of State to have printed the General Corporation Law as amended.

*Be it Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

That the Secretary of State is hereby authorized to have printed in pamphlet form, with a proper index thereto, three thousand copies of the General Corporation Law as amended, together with the Annual Franchise Tax Law, as amended for public distribution in order to further the interests of the State.

Secretary of  
State au-  
thorized to  
have printed  
General Cor-  
poration  
Law, etc.

Approved March 28, A. D. 1911.

## RESOLUTIONS.

## CHAPTER 302.

**JOINT RESOLUTION** appointing Directors for the Farmers' Bank of the State of Delaware for the Branch at Wilmington.

*Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Directors of  
the Farm-  
ers' Bank at  
Wilmington.

That Joshua E. Smith, David Snellenburg and Ezekiel Cooper be and they are hereby appointed Directors on the part of the State of the Farmers' Bank of the State of Delaware for the branch at Wilmington.

Approved March 28, A. D. 1911.

RESOLUTIONS.

CHAPTER 303.

JOINT RESOLUTION appointing Directors on the part of the State for the  
Farmers' Bank of the State of Delaware at Dover.

*Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

That James H. Wilson, George H. Gildersleeve and George H. Murray, be and they are hereby appointed Directors on the part of the State of the Farmers' Bank of the State of Delaware for the Branch at Dover.

Approved March 30, A. D. 1911.

## RESOLUTIONS.

## CHAPTER 304.

JOINT RESOLUTION Appointing Directors on the part of the State for the Farmers' Bank of the State of Delaware at Georgetown.

*Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met :*

Directors of  
the Farm-  
ers' Bank at  
Georgetown  
appointed.

That William J. Thoroughgood, John G. Townsend, Jr. and Walter B. Hilyard, be and they are hereby appointed Directors on the part of the State of the Farmers' Bank of the State of Delaware for the Branch at Georgetown.

Approved April 4, A. D. 1911.

RESOLUTIONS.

CHAPTER 305.

HOUSE JOINT RESOLUTION concerning stamps for the use of the General Assembly.

*Be it Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

That the Board of State Supplies be, and the same is hereby authorized, to purchase such stamps as may be necessary for the use of the General Assembly, and to present the bill for same to the State Treasurer, who is hereby authorized and directed to pay the amount due for stamps so purchased.

Authorized  
to purchase  
stamps.

Approved March 24, A. D. 1911.



## RESOLUTIONS.

## CHAPTER 306.

**JOINT RESOLUTION** fixing the time beyond which no new business will be received by the present Session of the General Assembly.

*Be it Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Time limit  
for receiving  
new busi-  
ness.

That no notices for new business will be received by either House of the General Assembly after Friday, February 24, 1911.

Approved February 21, A. D. 1911.

## TITLES OF PRIVATE ACTS

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### Excluded From Publication

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#### CHAPTER 307.

An Act to amend an Act entitled "An Act to Incorporate The Sussex Trust Title and Safe Deposit Company," passed at Dover, May 7, 1895.

Approved March 2, A. D. 1911.

#### CHAPTER 308.

An Act to amend Chapter 286, Volume 24, Laws of Delaware, entitled "An Act to incorporate Mercantile Trust and Safe Deposit Company."

Approved March 28, A. D. 1911.

#### CHAPTER 309.

An Act to amend an Act entitled "An Act to incorporate The Peoples Guarantee and Trust Company," passed at Dover, March 30th, 1893, by conferring banking powers on said corporation.

Approved March 28, A. D. 1911.

## TITLES OF PRIVATE ACTS.

## CHAPTER 310.

An Act to amend an Act entitled, "An Act to confer banking powers on the Liberty Trust Company, a corporation of the State of Delaware," approved March 29th, A. D. 1907.

Approved March 29, A. D. 1911.

## CHAPTER 311.

An Act to incorporate Greenwood Trust Company.

Approved April 4, A. D. 1911.

SECRETARY'S OFFICE.

DOVER, DELAWARE, June 14th, 1911.

In obedience to the provisions and directions of Chapter 4 of the Revised Code, entitled "Of the Passing and Publication of Laws and Journals," I have collated with and corrected by the original rolls now in the office of the Secretary of State and caused to be published this edition of the Laws of the State of Delaware, passed by the General Assembly at the regular Biennial Session commenced on Tuesday, the third day of January, A. D. 1911, and ended on the thirtieth day of March, A. D. 1911, and approved by the Governor.

Words and sentences marked with asterisks are printed as they appear on the enrolled bills.

WILLIAM T. SMITHERS,  
*Secretary of State.*



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